



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
July 12, 2006

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Mayor David Dermer
Vice-Mayor Jerry Libbin
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

- PA1 Certificates of Appreciation/"At Your Service Award" Winners for May, June & July 2006.
- PA2 Proclamation/Historical Museum of South Florida, Miami Beach Historic Exhibit.
- PA3 Certificate of Appreciation/Dr. Stanley Sutnick, Valuable Legacy & Activism. (Bower)
- PA4 Check Presented from Kiwanis Club to the Police Officer of the Month. (Libbin)
- PA5 **New Item:** Cert. of Apprec./J. Martinez, Outstanding 10-Yrs as City's Anti-Graffiti Coord. (Dermer)

- C2A Issue RFP, Management & Operation of Concession Stands & Beachfront Concessions.
- C2B Request for Approval, Purchase (1) Model 440 Ice Resurfacer, \$69,754.
- C2C Request for Approval, Purchase (1) 2007 Freightliner Condor Cab Over Truck, \$123,530.96.
- C2D Request for Approval, Purchase (1) 2006 Ford E-250 Cargo Van, \$15,958.

- C4A Ref: Neigh./Community Affairs Comm. - Term of Appointment for Board of Adjustment.

- C6A Report: Neighborhoods/Community Affairs Committee Meeting on May 24, 2006.
- C6B Report: G.O. Bond Oversight Committee Meeting on June 5, 2006.
- C6C Report: Land Use & Development Committee Meeting on June 6, 2006.
- C6D Report: Finance & Citywide Projects Committee Meeting on July 6, 2006.

- C7A Appropriate Funds, Renovation of Normandy Shores Golf Course Maintenance Building.
- C7B Execute Amendment, ROW Infrastructure Improvements, Bayshore & Sunset Islands Project.
- C7C Execute Amendment, ROW Infrastructure Improvements, Normandy Isle & Normandie Sud.
- C7D Adopt the National Incident Management System Model for Emergency Preparedness.
- C7E Amend Alley Vacation Agreement w/ AR&J SOBE, LLC.
- C7F Accept Recommendation, Auditing Services to Examine City's Financial Statements.

C7G Execute Interlocal Agreements w/ M-D County, Building Better Communities Projects.
 C7H Adopt the Local Mitigation Strategy for Miami-Dade County.
 C7I Apply for Grant from State of Florida, Department of Agriculture & Consumer Services.
 C7J Retroactively Submit Grant Application to Several Funding Agencies.
 C7K Accept Recommendation, Investigative & Adjusting Services for Workers' Comp Claims.
 C7L Approve Purchase of Onesign Single Sign-on Device from Imprivata.
 C7M Adopt City's 1-Year Action Plan for Federal Funds for FY 06/07, CDBG & Home Program.
 C7N Execute Home Program Agreement w/ MBCDC: Westchester Apartments, LLC.
 C7O Execute Home Program Agreement w/ HACMB, Income-Eligible Elderly Rental Housing.
 C7P Accept Recommendation, Parking Meter Collection Services for City's Parking System.
 C7Q Amend Resolution No. NSNID, Normandy Shores Homeowners Association. (Libbin)
 C7R Ratify Expenditures, Hurricane Clean-up/Landscape Restoration/Beautification Services.
 C7S Execute Agreement, Preparation of Impact Analysis & Development Mitigation System.
 C7T Execute Local Overtime Reimbursement Agreement, Miami Beach Police Department.
 C7U Accept Recommendation, Emergency Disaster Debris Monitoring Services.
 C7V Accept Recommendation, Removal & Disposal of Derelict Vessels.
 C7W Waive Bidding Requirements, Purchase (1) 4,500 Gallon Fuel Tank Truck. **5/7**
 C7X Adopt/Approp. First Amendment to Police Confiscation Trust Fund Budget for FY 05/06.
 C7Y Adopt First Budget Amendment to Police Special Revenue Account for FY 05/06.
 C7Z Ratify Expenditures, Surveillance Platforms for the Police Department.

REGULAR AGENDA

R5A **10:15 a.m. 1st & Only Rdg**, Terminal Island I-1, Light Industrial District. **5/7**
 R5B **10:20 a.m. 2nd Rdg**, Supplemental Conditional Review Criteria for Large Structures. **5/7**
 R5C **10:40 a.m. 2nd Rdg**, Amend No. 789, Classified Employees Salary Ordinance.
 R5D **10:45 a.m. 2nd Rdg**, Amend Procedures for Construction Activities & Provide Exceptions.
 R5E **2:00 p.m. 2nd Rdg**, Planning Board Review Criteria, City Charter Section 1.03(B)3. **5/7**
 R5F **2:10 p.m. 2nd Rdg**, Residential Performance Standard Requirements. **5/7**
 R5G **2:20 p.m. 2nd Rdg**, Nonconforming Gasoline Service Stations. **5/7**
 R5H **11:00 a.m. 1st Rdg**, Amendments to Single-Family Land Development Regulations. **5/7**
 R5I **1st Rdg**, Turtle Nesting Protection Ordinance.
 R5J **1st Rdg**, Living Wage Requirements for City Service Contracts & City Employees.
 R5K **4:00 p.m. 1st Rdg**, Floor Area Distributed on Block 1 - Covenants in Lieu of Unity of Title. **5/7**
 R5L **1st Rdg**, Amendments to the "Transportation and Parking Committee" Ordinance.
 R5M **1st Rdg**, Cigar Vendors in the MXE Districts. **5/7**
 R5N **1st Rdg**, Requirements for Approvals for Certificates of Appropriateness. **5/7**

 R7A **10:30 a.m.** Request to Dedicate Fire Station No. 4 to Leonard "Lenny" Rubin. **5/7**
 R7B **11:00 a.m. Open/Cont.** Consider After-the-Fact Revocable Permit, 6120 La Gorce Dr.
 R7C **1:45 p.m. 2nd Rdg**, Approve Lease Agmt w/ Log Cabin, Collins between 81st - 82nd St.
 R7D **1:50 p.m. 2nd Rdg**, Approve Lease Agmt w/ Boys & Girls Club, Building at Flamingo Park.
 R7E **1:55 p.m. 2nd Rdg**, Approve Lease Agmt w/ Sunrise Community, 8128 Collins Avenue.
 R7F **3:00 p.m.** Call for Special Election on November 7, 2006, Fill Vacancy in Group V.
 R7G **3:00 p.m.** Call for Special Election on November 7, 2006, City Interest in Public Beach ROW's.
 R7H **3:00 p.m.** Call for Special Election on November 7, 2006, Height Variances Subject to 5/7^{ths}.
 R7I **3:00 p.m.** Authorize M-D County Canvassing Board To Serve for November 7, 2006 Election.
 R7J Eliminate the Position of Special Counsel to the Personnel Board.
 R7K Execute Amendment, Citywide Sanitary Sewer Improvement Projects.
 R7L **Joint**, Authorize City Manager to Award/Reject Bids, Contracts & Agmts - August Break.
 R7M Ratify Contract, Various Structural Repair & Replacements at Historic City Hall Building.
 R7N Set Proposed Millage Rates for Fiscal Year (FY) 2006/07.
 R7O Set Proposed General Operating Millage Rate for Normandy Shores.
 R7P **1:40 p.m.** Accept Donation of Surplus Funds from (MBHFA).

 R9A Board & Committee Appointments.
 R9A1 Board & Committee Appointments - City Commission Appointments.
 R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
 R9C **11:15 a.m.** Request by 6000 Indian Creek LLC to Review DRB Decision.
 R9D **11:30 a.m. Open/Cont.** Request by Southpointe Heights LLC to Review DRB Decision.
 R9E Discuss: Relationship Between I.T. Dept., Finance Dept. & Cyborg System. (Garcia)
 R9F **W-Discuss:** Develop Surface Parking Lot at 1625 West Ave. into Workforce Housing. (Garcia)
 R9G Discuss: Club Madonna's Request to Allow Alcohol in their Establishment. (Garcia)

- R9H Discuss: Resolution re: Cell Phone Usage by Drivers while at School Zone. (Steinberg)
- R9I Discuss: Administrative Interpretation of "Structure." (Cruz)
- R9J **W**-Discuss: After-the-Fact Approval of Demolition of Coral Rock Wall in Altos Del Mar. (Cruz)
- R9K **3:30 p.m.** Discuss: Status Report on Bike Taxis. (Garcia)
- R9L **5:15 p.m.** Discuss: Underground Parking Structure (Project) at South Pointe Park.
- R9M **4:30 p.m.** Discuss: AEG Live Request in Taking Over Operation of Gleason Theatre. (Garcia)
- R9N Discuss: Ad Hoc Condo Reform Taskforce Progress Report & Recommendations. (Bower)

R10A **Noon**, Attorney-Client Session: Micky Biss V. City of Miami Beach.

- A City Attorney's Status Report.
- B Parking Status Report.
- C Status Report: Rehabilitation & Construction of the New Fire Station No. 2.
- D Status Report: Construction of Fire Station No. 4.
- E Status Report: Normandy Isle Park & Pool Project.
- F Informational Report: Federal, State, M-DC, U.S. Communities & All Existing City Contracts.
- G **9:20 a.m.** Report on the 2006 Florida Legislative Session.

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 1A Report of Itemized Revenues/Expenditures of RDA City Center & S. Pointe - May 2006.
- 2A **Joint**, Authorize City Manager to Award/Reject Bids, Contracts & Agmts - August Break.

Meeting called to order at approximately 9:20 a.m.

City Clerk's note: From approximately 9:20 a.m., to approximately 9:36:46 a.m., there were audio and video recording difficulties.

Pledge of Allegiance lead by Chief De Lucca.

Invocation given by Pastor Dr. Annette Jones from St. John's United Methodist Church.

Times based on the digital recording in the City Clerk's Office

Supplemental Materials:

C7E (Resolution & Agreement), C7F (Resolution), C7R (Resolution), C7S (Agreement), C7U (Resolution), C7X (Resolution), C7Y (Resolution), R5D (Additional Information), R7B (Resolution & Additional Information), R7M (Resolution).

Addendum Items C6D, R7P, and R9N:

ACTION: Motion made by Commissioner Garcia to add items C6D, R7P, and R9N as emergency items to the Commission Agenda; seconded by Commissioner Cruz; Voice vote: 6-0. Absent: Mayor Dermer.

Presentations and Awards**10:01:41 a.m.**

PA1 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners For The Month Of May And June 2006.
(City Manager's Office)

ACTION: Certificates presented to Leslie Rosenfeld, Organizational Development Director, Office of Budget and Performance Improvement, for the month of May, Thedis Carries, Finance Department for the month of June and Yvonne Sepulveda, Office of the Mayor and Commission for the month of July.

Jorge Gonzalez, City Manager, explained the program and stated that the recipients receive a \$100 U.S. savings bond and reserved parking at City Hall for 30 days. He announced that Leslie Rosenfeld is on a well deserved vacation but she is recognized for the effective coordination of "Take Your Daughter and Son to Work Day."

Commissioner Garcia stated that he had dealt with Leslie in several occasions and has found her to be very professional and added that he knows Leslie since she was at Beach High.

Georgie Echert, Assistant Finance Director, stated that since March the Finance Department has been working on the conversion of employees to the pension plan. Thedis has been instrumental in setting appointments and setting up the process. She was nominated by one of the City employees, Lenett Holbrook, who had been having problems. She read the letter from Lenett nominating Thedis for this award.

Commissioner Garcia thanked Thedis for helping him with his retirement papers.

Jorge Gonzalez, City Manager, stated that Georgie Echert, Assistant Finance Director, was nominated for the month of April at the last Commission Meeting but was unable to attend and invited Ms. Walker, Chief Financial Officer, to come up.

Patricia Walker, Chief Financial Officer, stated that Linda Gonzalez nominated Georgie for this award for her effort during the conversion of the employees in the 401 plan to the pension plan. Both Georgie and Thedis met with over 200 employees during a short period of time to work on their calculations and move through this process.

Linda Gonzalez stated that Georgie deserves this award for her patience and understanding during this conversion process. She took all the time that was needed and was there when needed.

Vice-Mayor Libbin stated that she also helped him when he first started and he appreciates her help.

Commissioner Bower added that Georgie has been very helpful during the Condominium Taskforce meeting, giving information with a pleasant smile and her attitude.

Commissioner Bower stated that Leslie worked very hard in all the grants we get for children and the Children's Trusts and also thanked Kathie Brooks.

Jorge Gonzalez, City Manager, invited Commissioner Bower to introduce the award recipient for the month of July.

Commissioner Bower stated that she was impressed that Luis Wong, Mayor's Office Manager, nominated Yvonne Sepulveda and added that Yvonne is very well deserving of this nomination and

award. She explained that Yvonne treats everyone with great courtesy; she follows through and is very attentive to the needs of the elderly and citizens that visit the Mayor's Office. She really appreciates having Yvonne there and the work she does. She is happy to have her and is honored to have Yvonne being nominated. She believes that this is the first time that the Mayor's Office has nominated an employee for this award and she encouraged them to keep nominating staff. She thanked the entire Mayor's Office staff for the work they do.

Yvonne Sepulveda thanked Commissioner Bower who believes in an open door policy and every day and at any time they serve the people with courtesy, compassion and respect. She also thanked Luis Wong for his nomination and trust in her along with the rest of her co-workers. She especially thanked Dolores Mejia and the City Manager and staff for helping constituents solve their problems right away. She added that she loves her job.

PA2 Proclamation To Be Presented To The Historical Museum Of South Florida For Their Historic Exhibit Regarding Miami Beach.

(Tourism & Cultural Development)

ACTION: Proclamation presented.

Commissioner Cruz stated that from June 23, 2006 through January 14, 2007, the Historical Museum of Southern Florida revisits the glamorous history of Miami Beach with their exhibit *Miami Beach: America's Tropical Resort*; which include over 100 artifacts, ranging from vintage bathing suits to postcards to hotel silver and china along with historic video footage from the Louis Wolfson II Florida Moving Image Archive featuring home video of vacationers and promotional videos. He announced that this Commission is proud to proclaim today *MIAMI BEACH: AMERICA'S TROPICAL RESORT' DAY*.

Dennis Campbell, Chair of the Board of Trustees of the Museum, spoke.

Commissioner Garcia also recognized Dr. Abraham Lavender in the audience and Liliam Hatfield, from the City Clerk's Office, for the work they do in preserving the City's historical archives.

9:40:23 a.m.

PA3 Certificate Of Appreciation To Be Presented To Dr. Stanley Sutnick For His Valuable Legacy And Activism.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Certificate presented to Betty Sutnick, Dr. Stanley Sutnick's widow. She was accompanied by her son Robert Sutnick, Jerry Jacobs, President of Temple Emanuel, Brenda Marder, and Lucero Levy.

Commissioner Bower stated that it has been about 13 years since the passing of Dr. Sutnick. She explained that Dr. Sutnick moved to Miami Beach in 1946. He was a great person, a veteran and was very active at Temple Emanuel and in the community. She read some of the language from the proclamation:

"The City of Miami Beach fondly remembers Dr. Stanley Sutnick, who left behind a wonderful legacy of hard work, service, and devotion to family and community. In gratitude to Dr. Sutnick for his service to his fellow citizens, the City has created the Dr. Stanley Sutnick Hour, a forum held at the end of every City Commission Meeting during which any and all Citizens can speak freely before the Commission to air grievances and accolades, alike. Dr. Sutnick's generosity of spirit was invaluable, especially during his countless hours of volunteer work mentoring dental residents; a task that he graciously performed for more than thirty years. Dr. Sutnick's generosity in the area of public education projects is noteworthy, as

well. He contributed much to the betterment of the City of Miami Beach, and the quality of life of its people and is duly honored.”

Betty Sutnick thanked the City Commission for this honor.

Handout of Reference Material:

1. List of speakers

9:49:03 a.m.

PA4 Presentation Of A Check To The Police Officer Of The Month From The Kiwanis Club.
(Requested by Vice-Mayor Jerry Libbin)

ACTION: Check presented.

Vice-Mayor Libbin stated that it is a pleasure to call the Kiwanis Club members for their selfless efforts and the wonderful things they do for the community.

Patricia Silverman introduced some of the members of the Kiwanis Club: Judi Berson-Levinson, Miriam Steinberg, Yda Percal, Carmine Desena, Tamra Sheffman, Lori Gold, Vice-President, Allan Hall, President Elect and Doug Tober, Past Immediate President.

Allan Hall, President Elect of Kiwanis Club, gave a background on the Kiwanis Club foundation and explained the activities they're involved in, from celebrating heritage months to aiding children. They are the longest and largest contributor of scholarships of Miami Beach High School. The club sponsors and recognizes the outstanding police officers and civilian employees of the Police Department.

Chief De Lucca thanked the Kiwanis Club for the work they do each month.

Chief Ray Martinez read the names of the Officers of the Month: October 2005 Sergeant. William Roberts, Officer Robert Bauer, Jr., Officer Luis Estopinan, November 2005 Detective Luis King, December 2005 Officer Rolando Aragunde, III, Victim Advocates Sarah Poux and Aifa Alvarez, January 2006 Officer John Corley, February 2006 Officer Antonio Ferbeyre, March 2006 Officer Sam Velez, April 2006 Detective Darrell Prieto and Clerk Typist Alexa Lopez and for May 2006 Sergeant Paul Masters and Communications Operator Raul Jorge. He explained that these employees have been selected by committee based on their merits and added that Sergeant Paul Masters won Miami-Dade County Officer of the Month for helping apprehend the murder suspect that occurred in front of Mansion Club.

Handout of Reference Material:

1. Facsimile submitted by Patricia Reeder with list of Officers and Civilians of the Month

4:28:46 p.m.

PA5 Certificate Of Appreciation To Be Presented To Jorge Martinez For His Outstanding 10-Years As The City's Anti-Graffiti Coordinator.

(Requested by Mayor Dermer)

ACTION: Certificate presented.

Mayor Dermer stated that the Certificate is presented to Jorge Martinez "the Sheriff" as he is affectionally called, for his ten year effort as graffiti and sticker remover. From 2003 to 2005 Mr. Martinez removed approximately 32,000 incidents of graffiti and stickers, from January to June 2006, he removed approximately 7,000 incidents of stickers. He also presented a Certificate of Appreciation to Bernice Martinez, who is recuperating and wished her well, for her dedication and service to the City.

Jorge Martinez read a letter from Bernice thanking the City Commission for their recognition and especially thanked A.C. Weinstein.

4:30:09 p.m.

Mayor Dermer recognized the passing of Edith Gelber this past week and explained that all who knew her and the people she touched know how unique she was; she was one of the first great ladies of our City when Seymour was Mayor; and produced great children who are now public servants; she will be greatly missed; she was a great teacher and an extraordinary human being. He stated that our hearts and prayers go to the Gelber family.

CONSENT AGENDA

ACTION: Motion made by Commissioner Steinberg to approve the Consent Agenda; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Mayor Dermer.

C2 - Competitive Bid Reports

C2A Request For Approval To Issue A Request For Proposals (RFP) For The Management And Operation Of Concession Stands And Beachfront Concessions, Located East Of Collins Avenue At Both 21st Street And 46th Street.

(Asset Management)

ACTION: Request authorized. Gus Lopez to issue the RFP. Ana Cecilia Velasco to handle.

C2B Request For Approval To Purchase One (1) Model 440 Ice Resurfacer, From Zamboni Company, Pursuant To Invitation To Bid No. 24-05/06, In The Amount Of \$69,754.

(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

- C2C Request For Approval To Purchase One (1) 2007 Freightliner Condor Cab Over Truck Chassis With A Thirteen 13 Cubic Yard Rear Loading Refuse Packer Body, From Freightliner Of Tampa, Pursuant To Florida State Contract No. 05-13-0822, In The Amount Of \$123,530.96.
(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

- C2D Request For Approval To Purchase One (1) 2006 Ford E-250 Cargo Van, Pursuant To Florida State Contract No. 04-12-0823, From Duval Ford, In The Amount Of \$15,958.
(Fleet Management)

ACTION: Request authorized. Drew Terpak to handle.

C4 - Commission Committee Assignments

10:56:30 a.m.

- C4A Referral To The Neighborhoods/Community Affairs Committee - Discussion Regarding A Proposed Charter Amendment Changing The Term Of Appointment For Board Of Adjustment From One Year To Two Year Staggered Terms.
(Planning Department)

ACTION: Item separated for discussion by Commissioner Cruz. Item referred as amended. Motion made by Commissioner Bower to refer all the Land Use Committees (Design Review Board, Planning Board, Historic Preservation Board and Board of Adjustment) to the Neighborhoods/Community Affairs Committee to review their term of office; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Mayor Dermer. Vivian Guzman to place on the Committee agenda. Jorge Gomez to handle.

Amendment:

Refer all the Land Use Committees (DRB, PB, HPB & BOA) for review to the Neighborhoods/Community Affairs Committee.

End of Amendment

Commissioner Cruz stated that he separated this item because he is not in favor of changing the term for the Board of Adjustment.

Discussion continued.

Commissioner Garcia suggested reviewing all of the Land Use Committees and standardizing their terms.

C6 - Commission Committee Reports

C6A Report Of The Neighborhoods/Community Affairs Committee Meeting On May 24, 2006: **1)** Discussion Regarding Amending The City Code For The Purpose Of Expanding The Types Of Transactions In Which The City Must Provide Notice Of Its Campaign Finance Laws; **2)** Discussion Regarding Serving "Foie Gras" In The City Of Miami Beach; **3)** Discussion Regarding Placing A Charter Amendment On The November Ballot To Allocate Funds To Public Education, Affordable And Workforce Housing, And Community Arts Council For Community Art; **4)** Discussion Regarding The Cleanliness Index Report; **5)** Discussion Regarding A Request To Dedicate Fire Station No. 4 To Leonard "Lenny" Rubin Who Died In The Line Of Duty In A Building Fire At The Old Carillon Hotel On March 8, 1962; **6)** Discussion Regarding The Use Of Blowers; **7)** Discussion Regarding The Marine Authority Board Motion That A Temporary Facility Be Established Near Island View Park To Accommodate As Many Vessels As Possible; **8)** Discussion Regarding The Proposed Amendment Allowing Cigar Vendors On Ocean Drive; And **9)** Discussion Regarding The Composition Of The Transportation And Parking Committee.

ACTION:**Item 1:**

The Committee moved to have the City's Legal Department further refine the threshold standard for exempting certain vendors from the campaign finance prohibition of the city code and return to a future Committee meeting. **Legal Department to handle.**

Item 2:

The Committee moved to take no action unless further research is done.

Item 3:

This was a discussion item as the Commission had **already** given direction at the Commission retreat that is in line with the Administrations recommendation.

Item 4:

This item was for discussion only, however the Administration will offer individual briefing sessions to each Commissioner and will provide the Commission with results on a quarterly basis. **Kathie Brooks and Fred Beckmann to handle.**

Item 5:

The Committee moved to bring the item to the full City Commission.

Item 6:

The Committee directed staff to consider the approach requiring debris to be contained on the individual property for the drafting of an ordinance. **Robert Middaugh to handle.**

Item 7:

The Committee made no motion on this item.

Item 8:

The Committee moved to take the proposed ordinance amendments to the Planning Board.

City Clerk's note: See Agenda Item R5M.

Item 9:

The Committee moved to accept the recommendation of the Transportation and Parking Committee.

City Clerk's note: See Agenda Item R5L.

C6B Report Of The G.O. Bond Oversight Committee Meeting On June 5, 2006: **1)** Project Status Report: A. Update On Fire Station No. 2; B. Update On Fire Station No. 4; C. Update On Normandy Isle Park And Pool; **2)** Proposed Reorganization Of Project Status Reports; And **3)** Informational Items: A. Updated Calendar Of Scheduled Community Meetings; B. Art In Public Places Installation At Washington Avenue And 3rd Street.

ACTION:

Item 1A:

Interior installations continue. When TCO is obtained, the renovation of historic building will begin. The contractor is ready to proceed as soon as the occupants move into the new building.

Item 1B:

Fire Station No.4 is progressing a bit faster than Fire Station No. 2.

Item 1C:

Construction continues to make progress. Stucco, interior work being completed, and pool tiles Installed. The deck is expected to be installed in July 2006. The park portion is substantially completed, and some elements are open to the public, such as courts and open field.

Item 2:

CIP Staff will bring a proposed schedule and re-vamped project reports to the next meeting. The new status reports will also include timelines. **Jorge Chartrand to handle.**

Item 3A:

The updated Calendar of Scheduled Community Meetings was reviewed. CIP continues to notify Committee-members of public meetings via email if the events are planned between meetings and are not listed in the Calendar of Scheduled Community Meetings as part of the agenda.

Item 3B:

The project, entitled "Corona Del Mar," has been delayed for some time. Contract executed in 2002 and the artist is asking for additional funding in order to complete the project. This project was brought back to the AiPP Committee the week of May 22. The steel moldings for the structure have already been completed and some of the metal has been poured, but more needs to be poured and the piece needs to be assembled at the site. The artist is currently requesting funds that will more than double the original cost of the project. Report presented by Max Sklar.

C6C Report Of The Land Use And Development Committee On June 6, 2006: **1)** Discussion Regarding "Utility Line Clearing," An FPL Proposed Ordinance For The Village Of Palmetto Bay, Florida; **2)** Discussion On Party Houses; **3)** Discussion On Ordinance Prohibiting Height Variances Without City Commission Approval Or Public Referendum; **4)** Discussion Regarding The 90-Day Time Period When Zoning In Progress Starts After A Positive Recommendation From The Planning Board And Scheduled For The City Commission Meetings; **5)** Discussion On Historic Preservation Board Resolution Pertaining To The Transfer Of Development Rights (TDR's); **6)** Discussion Regarding The .5 Far Bonus In Existing Zoning Code For Mixed Use Developments And Reserving Such Bonus For Affordable Housing/Workforce House; **7)** Discussion On An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Lot Coverage, Structure Size, Building Height And Setback Requirements For New Single-Family Residential Construction And By Amending The Criteria And Procedural Thresholds For The Review And Approval Of New Single-Family Residential Construction Inclusive Of The Creation Of A New Single-Family Residential Review Panel; Providing Codification; Repealer; Severability; And An Effective Date; And **8)** Discussion On Non-Conforming Status Of Condo Conversions.

ACTION:

Item 1:

The Committee requested that the Administration prepare an ordinance dealing with private property and return to Land Use and Development Committee for further review and discussion. **Fred Beckmann to handle.**

Item 2:

The Committee instructed the Administration to address the various comments and suggestions received at the meeting and return to the Land Use and Development Committee with a revised ordinance for further discussion. **Hilda Fernandez to handle.**

Item 3:

The Land Use and Development Committee decided to have height variances granted by the Board of Adjustment be also required to obtain City Commission approval. The Administration was directed to place the item on the July 12, 2006 City Commission meeting for full discussion by the Commission.

City Clerk's note: See Agenda item R7H.

Item 4:

The Administration was instructed to forward the proposed ordinance to the Planning Board and include the sentiment of the Land Use and Development Committee that 120 days may be sufficient. **Jorge Gomez to handle.**

Item 5:

Item not reached.

Item 6:

Item not reached.

Item 7:

Refer the proposed ordinance to the July 12, 2006 Commission Meeting for Public Hearing.

City Clerk's note: See Agenda item R5H.

Item 8:

The Administration will outline and further define the issues and bring back to the Land Use and Development Committee at a future date. **Jorge Gomez to handle.**

11:17:00 a.m.

Addendum:

C6D Report Of The Finance And Citywide Projects Committee Meeting On July 6, 2006: **1)** A Cost Analysis Of A Policy To Start Buying Hybrid Vehicles When Replacing Cars In The City Fleet; **2)** Discussion Regarding Maximizing Bookings At The Byron-Carlyle And Colony Theaters For Extended-Run And For Off-Peak Bookings By Allowing For Adjustments To Rental Rates At The Theaters; **3)** Discussion Regarding Proposed City Of Miami Beach Financial Policies, As Recommended By The Budget Advisory Committee; **4)** Discussion Regarding Proposed FY 2006/2007 General Fund Operating Budget; **5)** Discussion Regarding Recommendations Of The Health Facilities Authority (HFA) To Donate \$1,001,286 Of The Surplus Funds Of The HFA, And To Waive \$121, 084 Of Fees Due From Mt. Sinai Contingent Upon Their Mount Sinai's Agreement To Use The Funds For Toward Their Disaster Preparedness Efforts As Described In Their Proposal To The HFA; And **6)** Discussion Regarding Fire Inspection Fee In The 2006/07 City Budget.

ACTION: Item separated by Vice-Mayor Libbin. Motion by Commissioner Bower to accept the report as amended by Vice-Mayor Libbin; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Mayor Dermer.

Amendment:

Vice-Mayor Libbin stated that the report did not mention a comment he made regarding trying to do something for the senior citizens in Miami Beach. At the committee meeting it was agreed to consider something without specifying exactly what it would be. He wanted to amend the report to affirm that the committee agreed to review services provided to the elderly.

End of Amendment

Item No.1: The Committee decided that they were going to review the information presented, and if they had any further questions they would request that the item return for discussion at a later date.

Item No.2: The Committee directed Mr. Sklar, Cultural Arts and Tourist Development Director, to draft a rate proposal and present them to the Cultural Arts Council for review before they are presented to the Commission for approval. **Max Sklar to handle.**

Item No.3: The Committee as well as the City Administration supports policies similar to the recommendations of the Budget Advisory Committee and recommends that they be formalized through resolutions for considerations by the Commission. **Kathie Brooks and Patricia Walker to handle.**

Item No.4: The Committee recommended approving the proposed operating budget and work plan.

Item No.5: The Committee moved to accept the Miami Beach Health Facilities Authority's (MBHFA) recommendation. They also asked the MBHFA to reevaluate the \$300,000 being held in contingency at the MBHFA's next meeting. See Agenda Item R7P. **Patricia Walker to handle.**

Item No.6: The Committee recommended waiving the fee charged for life safety inspections for Fiscal Year 2006/2007 and to consider reinstating it in future years. **Kathie Brooks to handle.**

C6D - City Commission Action at the July 12, 2006 Commission Meeting:

Vice-Mayor Libbin stated that the report did not mention a comment he made regarding trying to do something for the senior citizens in Miami Beach. At the Committee meeting it was agreed to consider something without specifying exactly what it would be. He wanted to amend the report to affirm that the committee agreed to review services provided to the elderly.

C7 - Resolutions**11:05:20 a.m.**

C7A A Resolution Appropriating Funds From The North Beach Quality Of Life Funds, For The A/E Services Agreements With Architektnics, Inc., As Approved Pursuant To Resolution No. 2006-26198, In An Amount Not To Exceed \$102,000, For The Renovation Of The Existing Normandy Shores Golf Course Maintenance Building; \$115,000 For The Design Of A New Cart Barn; And \$40,000 For The Design Of Two (2) Restroom Buildings; And Appropriating Funds From The North Beach Quality Of Life Funds For Pre-Construction Services Agreement(S) With Coastal Construction Company, Inc., As Approved Pursuant To Resolution No. 2006-26197, In An Amount Not To Exceed \$9,282, For The Renovation Of The Existing Normandy Shores Golf Course Maintenance Building; \$9,282, For The Construction Of A New Cart Barn; And \$6,962 For The Construction Of Two (2) Restroom Buildings; All For A Total Appropriation Of \$282,526.

(Capital Improvement Projects)

ACTION: Item separated for discussion by Commissioner Cruz. Resolution No. 2006-26242 adopted. Motion made by Commissioner Bower to approve C7A, C7C, C7F, and C7R; seconded by Commissioner Cruz; Voice vote; 6-0; Absent Mayor Dermer. Patricia Walker to appropriate the funds.

Commissioner Cruz stated that he wanted to make a blanket statement. He addressed the waiving of competitive bidding and stated that they should not be placed on the Consent Agenda. He stated that it doesn't let the people know what the Commission is doing. He suggested that the waiving of competitive bids should be placed on the Regular Agenda. In addition, there are also items which are \$500,000 and \$600,000 items along with RFP's which have been issued that are placed on the Consent Agenda with a recommendation from the Administration. He stated that it does not give the citizens an opportunity to know what the Commission is doing.

Jorge Gonzalez, City Manager, stated that the criteria used by the Administration to place items on the Consent Agenda are that the dollar value is not greater than \$750,000. If the Administration is recommending a firm which is different than the evaluation committee's recommendation the item will be placed on the Regular Agenda. If there are any controversial items they are placed on the Regular Agenda. He added that he is happy to do the Agenda any way they Commission would like.

Commissioner Bower stated that the 5/7 waiver on the Consent Agenda is not a new issue. She agrees that the Agenda needs to be scrutinized and that is why the Commission meets separately with the City Manager to review the Agenda prior to the meeting. She added that the Consent Agenda materials are separated into categories and the Agenda materials are very detailed.

Commissioner Gross commended the City Manager for integrating citizens who have attended the Leadership Academy into the evaluation committees and added that this is a great way to get people involved in the process. He encouraged the City Manager to continue in this direction. He also stated the Leadership Academy is a great program. He added that the Consent Agenda item being waived is to spend \$160,000 for a gasoline tank truck (C7W) and he doesn't have a problem with this. Regarding item C7A, this item is an example of an item which the public should be made aware of because of the

long delays and the actions being taken. He also commented on item C7C which is the first project where the City is implementing hiring the architect to provide the resident project representation instead of Hazen and Sawyer which was requested at the Finance and Citywide Projects Committee meeting. He stated that he appreciates both Jorge Gonzalez and Jorge Chartrand for implementing the recommendation of the Committee.

Commissioner Bower stated that the City Manager sends an LTC notifying the Commission of his appointments to evaluation committees and always asks the Commission if they want to add someone.

Robert Parcher, City Clerk, received clarification that Commissioner Bower's motion included Agenda items C7A, C7C, C7F, and C7R.

- C7B A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 5 To The Agreement Between The City And CH2M Hill, In An Amount Not To Exceed \$55,863, For The Provision Of Additional Professional Services Associated With The Installation Of Four (4) Drainage Test Wells, For The Right-Of-Way (ROW) Infrastructure Improvements Program, Neighborhood No. 8 - Bayshore And Sunset Islands Project, And Appropriating Funds, For The Amendment From Previously Appropriated General Obligation Bond Funds For The Bayshore And Sunset Islands Neighborhood.
(Capital Improvement Projects)

ACTION: Resolution No. 2006-26243 adopted. Jorge Chartrand to handle.

- C7C A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No.10 To The Agreement Between The City And Williams, Hatfield & Stoner, Inc., D/B/A Tetra-Tech WHS, Dated July 18, 2001, For The Provision Of Additional Professional Services, In An Amount Not To Exceed \$555,540, Necessary For Procuring Resident Project Representation (RPR) Services, And Additional Construction Management (CM) Services, For The Right-Of-Way (ROW) Infrastructure Improvements Program, Neighborhood No.4-Normandy Isle And Normandie Sud Infrastructure Improvement Project, With Funding Available From Previously Appropriated Funds For The Normandy Isle And Normandie Sud Streetscape General Obligation (GO) Bonds, And Normandy Isle And Normandie Sud Infrastructure Upgrade Water/Sewer/Storm Water Bonds.
(Capital Improvement Projects)

ACTION: Resolution No. 2006-26244 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Mayor Dermer. Jorge Chartrand to handle.

- C7D A Resolution To Adopt The National Incident Management System (NIMS) Model As The Strategy To Be Used By The City Of Miami Beach Emergency Preparedness Efforts And Directs That The City Of Miami Beach Emergency Response Planning And Program Implementation Activities Are In Compliance Therewith.
(City Manager's Office)

ACTION: Resolution No. 2006-26245 adopted. Robert Middaugh to handle.

10:46:12 a.m.

Supplemental Materials: Resolution and Agreement

C7E A Resolution Amending The Alley Vacation Agreement Between The City Of Miami Beach And AR&J SOBE, LLC, Approved On February 23, 2005.
(Economic Development)

ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2006-26246 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 5-1; Opposed: Commissioner Gross; Absent: Mayor Dermer. Tim Hemstreet to handle.

Commissioner Gross stated that he voted against the alley vacation initially because he believes it creates a project that is out of scale with the as-build character of the City and that it would be overly large and in order to be consistent he does not want to vote for the alley vacation amendment.

Jorge Gonzalez, City Manager, explained the need for this action.

City Clerk's note: See Resolution No. 2005-25827 - approving the vacation
See Resolution No. 2005-25899 - approving the Development Agreement
City Clerk's note: Retrieval aid: Fifth and Alton

Supplemental Materials: Resolution

C7F A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Proposals (RFP) No. 23-05/06 For Auditing Services To Examine The City's Basic Financial Statements Included In The City's Comprehensive Annual Financial Report (CAFR), Federal Grant Programs And State Projects (OMB A-133 Single Audit), The Miami Beach Redevelopment Agency's (RDA) Basic Financial Statements, The Parking Systems Funds' (PSF) Financial Statements, The Miami Beach Visitor And Convention Authority's (VCA) Financial Statements, The Miami Beach Convention Center (MBCC) And Jackie Gleason Theater Of The Performing Arts (JGT), As Managed By SMG, Financial Statements, And The Safe Neighborhood Parks And Bond Program (SNP); Authorizing The Administration To Enter Into Negotiations With The Firms McGladrey & Pullen, LLP., And KPMG LLP; And Further Authorizing The Mayor And City Clerk To Execute An Agreement(s) Upon The Completion Of Successful Negotiations By The Administration.
(Finance Department)

ACTION: Resolution No. 2006-26247 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Mayor Dermer. Patricia Walker to handle.

C7G A Resolution Authorizing The City Manager Or His Designee To Execute Interlocal Agreements With Miami-Dade County For Funding, From The Building Better Communities General Obligation Bond Program For The Following Projects: 1) Fire Station #2 In The Amount Of \$2,000,000; 2) Fire Station #4, In The Amount Of \$1,000,000; 3) South Shore Community Center, In The Amount Of \$500,000; 4) Normandy Shores Golf Course, In The Amount Of \$1,000,000; 5) Scott Rakow Youth Center, In The Amount Of \$1,000,000; And, 6) 41st Street Bridge Repair And Restoration, In The Amount Of \$750,000; Further Authorizing The Execution Of All Necessary Documents Related To These Agreements.
(Grants Management)

ACTION: Resolution No. 2006-26248 adopted. Kathie Brooks to handle.

C7H A Resolution Adopting The Local Mitigation Strategy (LMS) For Miami-Dade County.
(Grants Management)

ACTION: Resolution No. 2006-26249 adopted. Judy Hoanshelt to handle.

- C7I A Resolution Authorizing The City Manager Or His Designee To Apply For A Grant From The State Of Florida, Department Of Agriculture And Consumer Services, In An Amount Not To Exceed \$50,000, To Replace Trees That Were Lost During The 2005 Hurricanes And To Support The Remediation Of The City's Urban Forestry Resources; Authorizing The City Manager Or His Designee To Enter Into An Urban And Community Forestry Grant Memorandum Of Agreement, And (If Applicable) A Maintenance Memorandum Of Agreement Between The City And The State Of Florida Department Of Agriculture And Consumer Services, Division Of Forestry; Further Appropriating The Grant If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To This Application.
(Grants Management)

ACTION: Resolution No. 2005-26234 adopted. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

- C7J A Resolution Retroactively Authorizing The City Manager Or His Designee ~~Retroactively~~ To Submit The Following Grant Funding Applications: 1) The Florida Department Of Health, Bureau Of Emergency Medical Services (EMS), For FY 2005-06 EMS County Grant Program Funding, In The Amount Of \$19,762; And, 2) Florida Department Of State, Cultural Facilities Grant Program, In An Amount Not To Exceed \$500,000, For Funding For The Renovation Of The 10th Street Auditorium; Further Appropriating The Grants And Matching Funds, If Approved And Accepted By The City Manager; And Authorizing The Execution Of All Necessary Documents Related To This Application.

(Grants Management)

ACTION: Resolution No. 2005-26250 adopted. Patricia Walker to appropriate the funds if approved and accepted. Judy Hoanshelt to handle.

- C7K A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Proposals Received Pursuant To Request For Proposals (RFP) No. 14-05/06, For Investigative And Adjusting Services For Selected Tort Liability Claims And Workers' Compensation Claims; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Horizons Investigations, Inc. (Primary) And The Second-Ranked Firm Of Johns Eastern Company, Inc (Secondary); And Further Authorize The Mayor And City Clerk To Execute A Contract(s) With The Primary And Secondary Firm Upon Completion Of Successful Negotiations.

(Human Resources & Risk Management)

ACTION: Resolution No. 2006-26251 adopted. Mayra Buttacavoli to handle.

- C7L A Resolution Approving Pursuant To Section 2-367(D) Of The Miami Beach City Code, The Sole Source Purchase Of The Onesign Single Sign On Device From Imprivata, The Owner Of The Copyrighted Device Designed Specifically To Handle Single Sign On To The City's Network And Applications With Improved Strong Password Security, In The Amount Of \$89,368.
(Information Technology)

ACTION: Resolution No. 2006-26252 adopted. Gladys Acosta to handle.

- C7M A Resolution Adopting The City's One-Year Action Plan For Federal Funds For Fiscal Year 2006/07, Which Includes The Budgets For The Community Development Block Grant (CDBG) Program And The Home Investment Partnerships (Home) Program; Authorizing The City Manager To Make Minor Non-Substantive Changes To The One-Year Action Plan Or Resulting Agreements Before Execution Which May Be Identified During The Finalization And/Or Review Process, And Which Do Not Affect The Purpose, Scope, Approved Budget And/Or Intent Of The Plan; Authorizing The City Manager To Execute All Applicable Documents And Submit The One-Year Action Plan To The U.S. Department Of Housing And Urban Development (HUD); Further Authorizing The Mayor And City Clerk To Execute Agreements With Providers Of Activities As Follows; Twenty-Five (25) Sub-Recipient Agreements As Set Forth In Exhibit "1" To This Resolution; And Authorizing The Appropriation Of All Federal Funds When Received.

(Neighborhood Services)

ACTION: Resolution No. 2006-26253 adopted. Vivian Guzman to handle.

- C7N A Resolution Authorizing The Mayor And City Clerk To Execute A Home Investment Partnerships (Home) Program Agreement With The MBCDC: Westchester Apartments, LLC, As The Approved Assignee To Miami Beach Community Development Corporation (MBCDC), Providing \$167,613 Of Fiscal Year 2005/06 Home Program Funds, For The Rehabilitation Of The Westchester Apartments, Located At 516 15th Street, Miami Beach, To Provide 24 Rental Units For Income - Eligible Participants In Accordance With The Home Program Requirements.

(Neighborhood Services)

ACTION: Resolution No. 2006-26254 adopted. Vivian Guzman to handle.

10:48:28 a.m.

- C7O A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Home Investment Partnerships (Home) Program Agreement With The Housing Authority Of The City Of Miami Beach (HACMB), Providing \$200,000 Of Fiscal Year 2005/06 Home Program Funds, For The Construction Of A Thirty (30) Unit Apartment Building, To Be Located At 321-327 Michigan Avenue, Miami Beach, For The Creation Of Rental Housing For Income-Eligible Elderly Participants In Accordance With The Home Program Requirements.

(Neighborhood Services)

ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2006-26255 adopted and item referred to the Finance and Citywide Projects Committee. Motion made by Commissioner Bower to approve the item and to refer to the Finance and Citywide Projects Committee a discussion of finding a better way to utilize the dollars to get more units online; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Mayor Dermer. Vivian Guzman to handle. Patricia Walker to place on the Committee Agenda. Vivian Guzman to handle.

Commissioner Gross stated that this is a Housing Authority project to renovate a building. The cost to

renovate this building is between \$500 and \$600 a foot. He suggested that it could be less expensive to buy buildings which are in decent shape and operating them. He explained that doing this could save money which would allow for more units. He added that he would like to refer the discussion to the Finance and Citywide Projects Committee because the cost to renovate continues to increase and there has to be a better way to use the money to get more units online.

Michael O'Hara, Director of Housing Development for the Housing Authority, City of Miami Beach, stated that there is an error in the square footage. The square footage of the building is not 10,420 square ft.; it is 22,500 square ft. The actual cost per square foot is \$175.

Commissioner Gross stated that in the future he would like to know the cost per square foot for both renovation and the total project cost. **Vivian Guzman to handle.**

Commissioner Cruz asked that at the committee meeting information be provided regarding the current market costs and square footage costs. **Vivian Guzman to handle.**

Commissioner Garcia stated that he would also like to have the facts and figures reviewed. **Vivian Guzman to handle.**

- C7P A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms Pursuant To Request For Proposals (RFP) No. 17-05/06 For Parking Meter Collection Services For The City's Parking System; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Standard Parking Corporation; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Imperial Parking (U.S.), Inc.; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon The Completion Of Successful Negotiations By The Administration.

(Parking Department)

ACTION: Resolution No. 2006-26256 adopted. Saul Frances to handle.

- C7Q A Resolution Acting As The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District (The "District") Amending Section 42 Of Resolution No. NSNID 93-1 To Provide That The Advisory Counsel To The District Shall Be Composed Of Three Members Of The Normandy Shores Homeowners Association With The City Clerk Soliciting An Eligibility List Of Homeowners Association Members From The Executive Committee Of The Homeowners Association.
(Requested by Vice-Mayor Jerry Libbin)

ACTION: Resolution No. 2006-001 adopted. Robert Parcher to handle.

Supplemental Materials: Resolution

C7R A Resolution Ratifying Expenditures To Superior Landscaping And Lawn Service, The City's Landscape Maintenance Contractor, For The Julia Tuttle Causeway, The MacArthur Causeway/Fifth Street Corridor, And Palm/Hibiscus, And Star Islands, In The Amount Of \$644,610.94, Comprised Of \$267,243.44 For Hurricane Clean-Up, And \$377,367.50 For Landscape Restoration And Beautification Services To The Julia Tuttle Causeway, MacArthur Causeway/Fifth Street Corridor, And Palm/Hibiscus And Star Islands, Following Hurricane Wilma.

(Parks & Recreation)

ACTION: Resolution No. 2006-26258 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote; 6-0; Absent Mayor Dermer. Kevin Smith to handle.

Supplemental Materials: Resolution

C7S A Resolution Authorizing The Mayor And City Clerk To Execute An Agreement With Clarion Associates, For The Amount Of \$49,852, For Professional Planning Services For The Preparation Of An Impact Analysis And Development Mitigation System For Major Development Projects.

(Planning Department)

ACTION: Resolution No. 2006-26259 adopted. Jorge Gomez to handle.

C7T A Resolution Approving And Authorizing The Chief Of Police To Execute A Local Overtime Reimbursement Agreement With The United States Immigration And Customs Enforcement Bureau For The Purpose Of Reimbursement For Overtime Expenses Incurred By The Miami Beach Police Department Personnel Conducting Official Treasury/Homeland Security Investigations.

(Police Department)

ACTION: Resolution No. 2006-26260 adopted. Chief De Lucca to handle.

Supplemental Materials: Resolution

C7U A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms; Authorizing The Administration To Negotiate Agreements, Pursuant To Request For Proposals (RFP) No. 16-05/06, For Emergency Disaster Debris Monitoring Services For The City Of Miami Beach; And Further Authorizing The Mayor And City Clerk To Execute Agreements, Upon Completion Of Successful Negotiations, With Any Or All Of The Following Three (3) Firms: 1) Beck Disaster And Recovery, Inc.; 2)Malcolm Pirnie, Inc.; And 3) Camp Dresser And McKee, Inc.,

(Procurement)

ACTION: Resolution No. 2006-26261 adopted amended. Patricia Walker to handle.

Amendment:

Authorizing The Mayor And City Clerk To Execute Agreements, Upon Completion Of Successful Negotiations, With Any Or All Of The Following Four (4) Firms: 1) Beck Disaster And Recovery, Inc.; 2) Malcolm Pirnie, Inc.; 3) CRB Geological & Environmental Services, Inc., And 4) Camp Dresser And McKee, Inc.

End of Amendment:

- C7V A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Contractors Pursuant To Request For Proposals (RFP) No. 15-05/06, For Removal And Disposal Of Derelict Vessels; Authorizing The Administration To Enter Into Negotiations With The Four (4) Top Ranked Proposers, Blue Water Marine Services, Dock And Marine Construction, H2O Tow, And Biscayne Towing & Salvage; And Further Authorizing The Mayor And City Clerk To Execute Agreements Upon Conclusion Of Successful Negotiations By The Administration.)
(Procurement)

ACTION: Resolution No. 2006-26262 adopted. Gus Lopez to handle.

Handout of Reference Material:

1. Letter from Jorge M. Gonzalez, City Manager, to Mr. Mark Stafford, Chief Operating Officer, DRC Emergency Services, LLC., dated July 11, 2006, RE: PROTEST LETTER RELATIVE TO REQUEST FOR PROPOSALS (RFP) NO. 15-05/06 – REMOVAL AND DISPOSAL OF DERELICT VESSELS

11:05:20 a.m.

- C7W A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Wavier To Be In The City's Best Interest, And Approving The Purchase Of One 4,500 Gallon Fuel Tank Truck From Oilmen's Truck Tanks Inc., In The Amount Of \$161,714.75.
(Fleet Management)

ACTION: Item separated for discussion by Commissioner Cruz. Resolution No. 2006-26263 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Mayor Dermer. Drew Terpak to handle.

No discussion was held on this item. See action with Item C7A.

Supplemental Materials: Resolution

- C7X A Resolution Adopting And Appropriating The First Amendment To The Police Confiscation Trust Fund Budget For Fiscal Year 2005/06 In The Amount Of \$72,335 To Be Funded From The Proceeds Of The State Confiscated Funds.
(Police Department)

ACTION: Resolution No. 2006-26264 adopted. Patricia Walker to appropriate the funds. Chief De Lucca to handle.

Supplemental Materials: Resolution

- C7Y A Resolution Adopting The First Budget Amendment To The Police Special Revenue Account For Fiscal Year 2005/06 In The Amount Of \$9,580, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account.
(Police Department)

ACTION: Resolution No. 2006-26265 adopted. Chief De Lucca to handle.

C7Z A Resolution Ratifying Expenditures, In The Total Amount Of \$43,129, To Innovative Surveillance Technology, Inc., The Sole Source Manufacturer Of The Mini Portable Equipment Module And The Sole Source Distributor In Florida For The DTC Communications, Inc. Surveillance Platforms For The Police Department.

(Police Department)

ACTION: Resolution No. 2006-26266 adopted.

End of Consent Agenda

REGULAR AGENDA

R5 - Ordinances

12:28:31 p.m.

R5A Terminal Island I-1, Light Industrial District
An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Division 11, "I-1 Light Industrial District," By Requiring Conditional Use Approval For New Construction Of Structures 50,000 Square Feet And Over On The Other Affected Properties On Terminal Island And That The First Step In The Development Review Process Shall Be The Conditional Use Review By The Planning Board; Providing For Repealer, Severability, Codification And An Effective Date. **10:15 a.m. First And Only Reading And Public Hearing** .

(Planning Department)

(Continued from June 7, 2006)

ACTION: Item discussed in conjunction with item R9I. First and only Public Hearing held. Ordinance No. 2006-3517 adopted. Motion made by Commissioner Gross; seconded by Vice-Mayor Libbin; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code. Jorge Gomez to handle.

Jorge Gomez, Planning Department Director, stated that at the last hearing there was a question as to what the ordinance contemplated by the term "structure". The attorney for an affected party requested this interpretation from the Planning Director. He stated that he had prepared a letter of his position on the reading of the ordinance, which is attached to the Agenda package. He read the ordinance and stated that if a structure has 50,000 square feet it requires Planning Board review before it goes to the Design Review Board or any other board. He stated that the City Code provides guidance in the definition of the term "structure." He read the definition in Section 114-1 which states in part: "A structure includes buildings or any parts thereof." He explained that a structure is all inclusive. He stated that the when the Code refers to "floor area" it expressly states so. This ordinance refers to the square feet of the entire structure. He went to give examples of proposed developments and how the ordinance would be applied.

The Commission expressed their sentiment that the Planning Director's interpretation of the ordinance was consistent with their legislative intent.

Alexander Angueira, Esq, spoke on behalf of a property owners in the I-1 District and other commercial districts around the City of Miami Beach.

Handout or Reference Materials:

1. Ad in The Miami Herald

12:56:58 p.m.

R5B Supplemental Conditional Review Criteria For Large Structures
An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IV, "Conditional Use Procedure," By Creating Review Guidelines For New Structures 50,000 Square Feet And Over; Providing For Repealer, Severability, Codification And An Effective Date. **10:20 a.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading on June 7, 2006)

ACTION: Public Hearing held. Ordinance No. 2006-3518 adopted. Motion made by Commissioner Gross; seconded by Vice-Mayor Libbin; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald

12:58:12 p.m.

R5C An Ordinance Amending Ordinance No.789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, Providing For The Classifications In Group V, Being Those Classifications Covered By The Government Supervisors Association Of Florida, Opieu Local 100, (GSAF), In Accordance With The Negotiated Agreement; Retroactively Effective In The First Pay Period Ending In October Of 2003, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective With The First Pay Period Ending In October Of 2004, There Shall Be An Across The Board Wage Increase Of One Half Percent (.5%), And The Minimum And The Maximum Of Each Pay Range Will Also Be Increased By One Half Percent (.5%); Retroactively Effective In The First Pay Period Ending In October 2005, There Shall Be An Across The Board Wage Increase Of One Percent (1%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By One Percent (1%); Amending The Minimum And Maximum Of The Pay Ranges To Reflect The Present Classification And Pay System Applicable To The Unclassified Classifications; Repealing All Ordinances In Conflict; Providing For Severability, Effective Date And Codification. **10:40 a.m. Second Reading, Public Hearing.**

(Human Resources)

(First Reading on June 7, 2006)

ACTION: Public Hearing held. Ordinance No. 2006-3519 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Libbin; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code. **Mayra Diaz Buttacavoli to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald

Supplemental Materials: Additional Information**1:00:06 p.m.**

R5D An Ordinance Amending Chapter 46 Of The City Code, Entitled "Environment," By Amending Article IV, Entitled "Noise," By Amending Section 46-156, Entitled "Temporary Permits," By Amending The Procedures And Requirements For Construction Activities And Providing Exceptions Thereto, Prohibiting Construction Noise On Sundays And National Holidays In All Non-Residential Zoning Districts, Except Under Certain Circumstances And As Authorized By The Building Official, Prohibiting Construction In Residential Zoning Districts Before 10:00 A.M. And After 4:00 P.M. On Sundays And National Holidays And Prohibiting Construction Noise Between 10:00 A.M. And 4:00 P.M. On Sundays And National Holidays, Providing Provisions For The Violation And Revocation Of Temporary Permits, And Providing Subheading Titles To Be Entitled (A) "Requirements And Procedures," (B) "Violation Of Temporary Permits" And (C) "Revocation Of Temporary Permits;" Amending Section 46-158, Entitled "Enforcement By Code Inspectors; Notice Of Violation, Warnings" By Amending Subsection (A) To Clarify The Notice Of Violation Provisions, Amending Subsection (B)(2) To Provide Clarification As To The Number Of Written Warnings In All Zoning Districts Except Single Family Zoning Districts; Providing For One Written Warning In Single Family Zoning Districts Prior To A Notice Of Violation And Providing That A Violation, Instead Of A Written Warning, Shall Be Issued If A Violator Is Also Being Cited For An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District; Amending Section 46-159 Entitled "Fines And Penalties For Violation; Appeals; Alternate Means Of Enforcement," By Providing Fines And Penalties For Any Offense Which Was Committed While The Violator Was Also Engaged In An Illegal Commercial Or Non-Permitted, Non-Residential Use In A Residential Zoning District; Providing For Codification, Repealer, Severability, And An Effective Date. **10:45 a.m. Second Reading, Public Hearing.**

(City Manager's Office)
(First Reading on June 7, 2006)

ACTION: Public Hearing held. Ordinance No. 2006-3520 adopted as amended. Motion made by Commissioner Steinberg to not allow construction on Sunday in occupied multi-family dwellings; seconded by Commissioner Bower; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code. **Vivian Guzman to handle.**

Amendment:

Not allow construction on Sundays in occupied multi-family buildings.

End of amendment

Robert Parcher, City Clerk, noted for the record, that the ordinance being discussed is the one distributed on the floor.

Robert Middaugh, Assistant City Manager, referred to the handout in reference to violation Section 46-156, sub-paragraph 2(a) "Excessive Construction Noise in Commercial Districts" and sub-paragraph 2(b) which deals with construction noise in residential districts. He explained that this language captured the sentiment of the City Commission when dealing with residential construction related noise. The guidance was that noise from traditional homeowner activities in residential neighborhoods and residential dwelling is not defined as excessive. At the bottom of the page in subparagraph (b) there are two distinctions; 1) no construction activities before 10:00 a.m., or after 4:00 p.m., but between the hours of 10:00 a.m., and 4:00 p.m., on Sundays and holidays, there could be construction activities as long as it is not excessive construction noise.

Commissioner Gross requested considering moving RO (Residential Office) from the commercial category to the residential category.

Robert Middaugh, Assistant City Manager, stated that there are no objections to that change. Mr. Middaugh explained, in reference to the enforcement of the ordinance, that there are clear extremes that

are either permissible or a violation. He added that simple repairs or putting up a fence are at one end while work by a construction crew doing an addition, would define the other extreme. These are the two extremes and in between there is a gray area as to when does noise become intrusive to the neighbors.

These issues will be dealt with on a complaint basis and it will be a judgment that the Code Officer will make on the scene. Typically when a homeowner is doing things himself using power tools and traditional resident weekend work it would not rise to a violation.

Stu Blumberg stated that he supports the ordinance 100% and added that he is here today to speak about the LTC written on July 3, 2006 regarding the 90-day report on the implementation of the noise ordinance. He requested that the City Commission consider waiving the noise violations and written warnings which occurred during the Winter Music Conference since the Noise Ordinance was new to the hotel industry, as well as to the Code Compliance. The City should retain the fines which have already been paid. There are hotels which are coming up for the next level of violations based on warnings which took place during the Winter Music Conference when the ordinance was new to everyone. The timing was not appropriate.

Dr. Morris Sunshine asked that this item be continued and not be heard today to be fair. This item was going to be reviewed by the Neighborhood/Community Affairs Committee first and it was not. He just learned last night that this item is on today's Agenda.

Commissioner Bower asked if this is the case and if so why did it not go to committee. She questioned if this incident has happened before and how many times.

Robert Middaugh, Assistant City Manager, stated that the meeting was cancelled.

Jorge Gonzalez, City Manager stated that this is a very unusual incident where the item was scheduled to go to committee and the meeting was cancelled.

Commissioner Gross asked Dr. Sunshine to tell the Commissioner his issues.

Dr. Morris Sunshine stated that there should be a distinction made for Sunday construction between single family dwelling units and those who live in residential apartment building or condominium.

David Colton spoke.

Motion made by Commissioner Steinberg to not allow Sunday construction in occupied multi-family dwellings.

Handout or Reference Materials:

1. Ad in The Miami Herald

2:25:56 p.m.

R5E Planning Board Review Criteria Pursuant To The Requirements Of Subpart A Of The City Charter, Section 1.03(B)3.

An Ordinance Amending Chapter 118, Of The City Code Entitled, "Administration And Review Procedures," By Amending Division 2, "Planning Board," Section 118-51, "Powers And Duties," By Including Criteria For The Review Of The Sale, Exchange, Conveyance Or Lease Of Ten Years Or Longer Of Such City Property, As Provided In City Charter, Section 1.03(B)3; Providing For Repealer, Severability, Codification And An Effective Date. **2:00 p.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading on June 7, 2006)

ACTION: Public Hearing held. Ordinance No. 2006-3521 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Libbin; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald

2:34:54 p.m.

R5F Residential Performance Standard Requirements

An Ordinance Amending The Land Development Regulations Of The City Code, By Amending Chapter 142, "Zoning Districts And Regulations" Article II, "District Regulations" Division 18, "PS Performance Standard District," Amending Section 142-696 "Residential Performance Standard Area Requirements," By Amending The Maximum Building Height In The R-PS4 Zoning District; Amending Section 142-697 "Setback Requirements In The R-PS1, 2, 3, 4 Districts," To Provide For Additions To Follow The Existing Building Line And Modifying The Tower Setbacks; Providing For Codification, Repealer, Severability And An Effective Date. **2:10 p.m. Second Reading, Public Hearing.**

(Planning Department)

(First Reading on June 7, 2006)

ACTION: Public Hearing held. Ordinance No. 2006-3522 adopted. Motion made by Commissioner Bower; seconded by Commissioner Gross; Ballot vote: 6-0; Absent: Commissioner Garcia. R. Parcher to transmit to Municipal Code. **Jorge Gomez to handle.**

Handout or Reference Materials:

1. Ad in The Miami Herald

2:27:06 p.m.

4:32:41 p.m.

R5G Nonconforming Gasoline Service Stations

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article IX, "Nonconformances," Section 118-395 To Add New Subsections For Nonconforming Gasoline Service Stations; Providing For Repealer, Codification, Severability And An Effective Date. **2:20 p.m. Second Reading, Public Hearing.**

(Planning Department)
(First Reading on June 7, 2006)

ACTION: Public Hearing held. Ordinance No. 2006-3523 adopted as amended. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 7-0. R. Parcher to transmit to Municipal Code.

Amendment:

118-395(b)(7)(c) – "..... or convert exiting floor area, or land to ~~or~~ add new accessory uses,"

End of Amendment

Robert Parcher, City Clerk, noted for the record, that the ordinance being discussed is the one distributed on the floor.

Jeffrey Bercow, Esq., spoke.

Jonathan Frye spoke.

Mayor Dermer asked the Administration to meeting with Mr. Bercow to see if they can reach some compromise ordinance language and tabled the item to later in the day.

4:32:41 p.m.

Jeff Bercow, Esq., read for the record the proposed amendment to paragraph C and gave a copy to the City Clerk.

Jorge Gomez, Planning Director, stated for clarification, that existing floor area or land refers to both.

Handout or Reference Materials:

1. Ad in The Miami Herald
2. Ordinances in draft form (x3)
3. Ordinance Draft submitted by Jeff Bercow, Esq.

11:19:47 a.m.

R5H An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Lot Coverage, Structure Size, Building Height And Setback Requirements For New Single-Family Residential Construction And By Amending The Criteria And Procedural Thresholds For The Review And Approval Of New Single-Family Residential Construction Inclusive Of The Creation Of A New Single-Family Residential Review Panel; Providing Codification; Repealer; Severability; And An Effective Date. **First Reading.**
(Planning Department)

ACTION: Ordinance approved on First Reading as amended by the second motion.

First motion:

Motion made by Vice-Mayor Libbin; seconded by Commissioner Gross, dealing with the process to send these cases to the Design Review Board and that the ethic ordinance is not being waived; Single Family items will be heard at the meeting first. Voice vote: 3-4; Opposed: Commissioners Gross, Bower, Cruz and Garcia. Motion failed.

Second motion:

Motion made by Commissioner Cruz; seconded by Commissioner Bower; Voice vote: 5-2; Opposed: Vice-Mayor Libbin and Commissioner Gross.

1. create a separate single-family residential Design Review Board Panel to be comprised of three (3) pre-approved list of individuals, with the make-up of two (2) architects (rotating list) and one (1) resident (rotating list),
2. the ethics ordinance is not being waived; Single-Family items will be heard at the meeting first; and
3. the amendment added by Jose Smith, City Attorney, (142-105(d)(5) Non- conforming Structures "..... fire or other catastrophic event, through no fault of the owner, such structure may...." ;

Third motion:

Motion made on the balance of the ordinance made by Commissioner Cruz to approve the ordinance as amended; seconded by Commissioner Bower; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for September 6, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Jorge Gomez, Planning Department Director, introduced the item.

Victor Diaz, Chairman of the Planning Board, gave a general overview of the process and the intent of the ordinance.

Vice-Mayor Libbin thanked Victor Diaz and the members of the Planning Board for the great job they do and the amount of time they dedicate to the Planning Board.

Victor Diaz, Chairman of the Planning Board, stated that it has taken two years to get to this point and he gave credit to the members of the Planning Board and the Planning Department staff for their efforts.

Commissioner Steinberg commended Victor Diaz for the work he did to form a consensus on this issue and it shows by the fact that there is nobody in the audience for this issue. He stated that on the ethics issue, he questions the affect of allowing someone to appear before another panel. He is concerned with having someone serving as judge on one panel and then appearing in front of another panel and having this interplay among the 20 architects that are serving on that panel. He suggested that they be limited to appear before the board that they serve. **Jorge Gomez to handle.**

Victor Diaz, Chairman of the Planning Board, agreed 100% and stated that this issue has not occurred

to them and has not been brought up. He agreed that the individual could not present on the board that he or she serves.

Commissioner Gross stated that this is a good ordinance and asked how many projects per year will fall into this category. Jorge Gomez responded that possible 10 -12 a year. Commissioner Gross explained that there are three things that concern him; 1) there are three people on the panel and the quorum is also three, 2) there is no residents' participation, 3) city staff time will be burdened by having to handle another board. His personal preference would be to send them to the Design Review Board.

Discussion continued.

Jose Smith, City Attorney, stated that on non-conforming structures, there should be a requirement that destruction or a catastrophic event should not have been the cause or the fault of the owner. He stated that where it says..."other catastrophic events".....he would add..."through no fault of the owner."

Victor Diaz, Chairman of the Planning Board, agreed.

Commissioner Garcia likes the idea of a large pool of professional but thinks it will be hard to find a pool of 20 architects, also he does not agree with neighbors giving input. He would be willing to move the ordinance if the panel is made up of professionals only.

Motion #1

Vice-Mayor Libbin stated that this is an excellent ordinance because the carrot approach was used instead of the stick approach. Motion made by Vice-Mayor Libbin to approve the ordinance as recommended by the Planning staff , eliminating section (4), with the review going to the Design Review Board and maintaining the Ethics ordinance; seconded by Commissioner Gross; Voice vote: 3-4: Opposed: Commissioners Bower, Cruz, Garcia and Steinberg. The motion failed.

Bill Farkas spoke.

Commissioner Steinberg suggested a compromise by having a panel to include residents on a ratio of 2-1(two architects-one resident).

Commissioner Bower agreed with having a resident on the panel.

Victor Diaz, Chairman of the Planning Board, suggested not exempting from the ethics ordinance and creating a panel of residents and architects on a rotating basis. The resident should be recommended by the organizations that now recommend citizens to the City such as the AIA, the MDPL, the Dade Heritage Trust, etc. If there are any problems with this panel after six months, it will come back to the City Commission for review.

Commissioner Steinberg stated that if the single family residences are reviewed first on the DRB agenda, it will become like a Consent Agenda.

Vice-Mayor Libbin suggested a group of five (5) in that there would have three (3) to attend the meeting and there would be a quorum. He withdrew his motion to have the review at the DRB.

Commissioner Gross stated not to dismiss the motion and take a vote first. Vice-Mayor Libbin agreed.

Motion #2

Motion made by Commissioner Cruz to create a separate Single Family Residential DRB Review Panel comprised of five (5) members from a pre-approved list, consisting of three (3) architects

and two (2) residents and maintaining the ethics ordinance.

Commissioner Garcia offered an amendment to have the panel of three (3) with a “call up” list. This amendment was approved by the maker of the motion; seconded by Commissioner Bower; Voice vote: 5-2; Opposed: Commissioner Gross and Vice-Mayor Libbin.

Commissioner Bower clarified that the residents also serve on a rotating basis. This was the Commission’s consensus.

Motion #3

Motion by Commissioner Cruz on the balance of the ordinance; seconded by Commissioner Bower; Ballot vote: 7-0.

Handout or Reference Materials:

1. Email from Jorge Gomez to Maria Martinez and Robert Parcher dated July 21, 2006 RE: R5H.

1:38:09 p.m.

R5I An Ordinance Amending Chapter 46 Of The City Of Miami Beach Code By Adding Article 6 Thereof Entitled “Turtle Nesting Protection Ordinance,” Establishing Regulations For Lighting And Other Activities On Properties Abutting Or Affecting The Beach, Including East Of The Coastal Construction Control Line, For The Protection Of Sea And Marine Turtles, Endangered Species Nesting On Miami Beach; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**
(Public Works)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Garcia. Second Reading and Public Hearing scheduled for September 6, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

Ana Cordero, member of the Beach Preservation Committee, spoke on behalf of the ordinance.

1:32:45 p.m.

R5J An Ordinance Amending Chapter 2 Of The Miami Beach City Code, Entitled “Administration”; By Amending Article Vi, Entitled “Procurement”; By Amending Division 6, Entitled “Living Wage Requirements For City Service Contracts And City Employees”; By Amending Section 2-408(B), Entitled “Health Benefits; Eligibility Period”, To Require Covered Employers, Or The City, To Pay A Living Wage Of \$9.81 An Hour, Commencing On The Date Of Hire Of The Covered Employee, Through The Eligibility Period; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**
(Procurement)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Commissioner Garcia. Second Reading and Public Hearing scheduled for September 6, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Gus Lopez to handle.

7:37:26 p.m.

R5K An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Section 114-1, “Definitions,” Clarifying The Meaning Of “Site;” Amending Chapter 142, “Zoning Districts And Regulations,” Article II, “District Regulations,” Division 18, “PS Performance Standard District,” Clarifying

That Floor Area May Be Distributed On Block 1 Through Covenants In Lieu Of Unity Of Title; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**
(City Attorney's Office)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower subject to the Administration to work out the details of the park, the usage, and the hours, and the public benefits; seconded by Commissioner Gross; Ballot vote: 6-0; Absent: Mayor Dermer. Second Reading and Public Hearing scheduled for September 6, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle. **Tim Hemstreet to handle.**

John Shubin Esq., from Shubin and Bass, joined by Aimee Huber and Charles Sieger presented the item.

Gary Held, First Assistant City Attorney, explained that what was presented to the City Commission a few months ago was a discussion item identifying all the steps that will be necessary to effect the change on the Concept Plan. He added that there was a collaborate meeting, a Planning Board meeting and now it is in front of the City Commission for first reading of the ordinance. The second reading of the ordinance will be brought at the same time as the amendments to the settlement agreement and a resolution approving the amendments to the Concept Plan. He clarified that as part of its recommendation the Planning Board requested that there will be some consideration of additional public benefit to the City as a result of this transfer, since there are significant economical benefit to the property owner as a result of moving the FAR from the west side to the east side.

Charles Sieger, architect, made a presentation.

Commissioner Gross stated, for the record, that generally he is not in favor of transferring development rights from one side to the other, but in this case it is different, because the land owner has the rights to the alley and it is a subsurface issue. If the alley was not there they would have the right to move the FAR wherever they want. He clarified that he does not want this to be construed as a precedent of a transfer of development rights which generally is bad idea.

Discussion continued.

Vice-Mayor Libbin instructed the City Administration to come back to the City Commission with recommended public benefits to be considered at the second reading.

Commissioner Gross added that the City Administration also needs to establish the details of the park such as hours of operations, maintenance, etc. He added that at the collaborative process there was discussion regarding if the lot should be fenced and locked, and the issue of the stair tower is an open and unresolved issue due to disagreement in the community.

Motion made by Commissioner Bower to approve the ordinance and the City Administration to work out the details of the park, the hours, and the public benefits to the citizens; seconded by Commissioner Gross; Ballot vote: 6-0; Absent: Mayor Dermer.

Handout or Reference Material:

1. Release of Subsurface Rights prepared by Laura R. Gangemi, Esq., Greenberg Traurig P.A., and electronic correspondence to and from Laura to Gary Held, First Assistant City Attorney.

8:36:08 p.m.

R5L An Ordinance Amending Chapter 2 Of The Miami Beach City Code Entitled "Administration"; Amending Article 3, Entitled "Agencies, Boards, And Committees"; Amending Division 25, Entitled "Transportation

And Parking Committee"; Amending Section 2-190.94, Entitled "Composition", By Reducing The Number Of Voting Members On The Committee From 19 To 14, And Amending The Composition Of The Committee To Delete The Memberships Representation From The Following Organizations: Washington Avenue Task Force; South Pointe Advisory Board To The Miami Beach Redevelopment Agency; Miami Beach Transportation Management Association; Miami Beach Convention Center And Theater Of The Performing Arts (SMG); And Middle Beach Partnership, Inc., D/B/A 41st Street-Middle Beach Partnership; Further Deleting The Non-Voting Ex-Officio Member Representations; Providing For Repealer, Codification, Severability And An Effective Date.

First Reading.

(Parking Department)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Gross; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Mayor Dermer. Second Reading and Public Hearing scheduled for September 6, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Saul Frances to handle.

Robert Middaugh, Assistant City Manager, spoke.

4:39:41 p.m.

R5M Cigar Vendors On Ocean Drive

An Ordinance Amending Chapter 142, "Land Development Regulations," Of The City Code; By Amending Article IV, "Supplementary Use Regulations," Section 142-874, "Required Enclosures," By Clarifying Store Enclosures; And Amending Section 142-904, "Additional Mixed Use Entertainment District Regulations," To Allow The Sale Of Cigars And Cigarettes By A Vendor Licensed On The Premises With Transactions To Occur Only Within Private Property; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading**.

(Planning Department)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Bower to approve the Planning Board version of the ordinance with the amendment; seconded by Vice-Mayor Libbin; Ballot vote: 5-2; Opposed: Commissioners Cruz and Garcia. Second Reading and Public Hearing scheduled for September 6, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendment:

Section 142-904(b)(1)(g), next to the last sentence: "Goods and merchandise transported from one location to another shall be covered and obscured from view, and the person so transporting shall not use flashing lights, signs, markings, or other devices to call attention to themselves or the goods and merchandise, and shall not otherwise violate the provisions of section 74-1."

End of Amendment

Jorge Gomez, Planning Department Director, explained the ordinance.

Jorge Gonzalez, City Manager, explained that what is being granted is a sidewalk café permit, it is not a lease. The City is permitting the storefront to use the right-of-way for the purposes of selling food and the café has entered into an agreement with a third party to sell other items. The café is not authorized to sell the other items.

Commissioner Garcia stated that he disagrees and that this is ridiculous.

Vice-Mayor Libbin stated that it is a problem having vendors sell on the sidewalks and it needs to be regulated. Once selling is permitted on the right-of way, Code Compliance does not know when it is

permitted and when it is not.

Kirenia Chiu, cigar vendor, spoke.

Motion made by Commissioner Bower to approve the Planning Board ordinance as amended; seconded by Vice-Mayor Libbin; Ballot vote: 5-2; Opposed: Commissioners Cruz and Garcia.

Commissioner Gross asked how would Lincoln Road be treated.

Jorge Gomez, Planning Department Director, explained that this ordinance only refers to the Mixed Used District (MXE) and Lincoln Road is a CD3 district.

Handout of Reference Material:

1. Amendment to Cigar Vendor Ordinance – Item R5M, July 12, 2006; Section 142-904(b)g language

8:38:23 p.m.

R5N Requirements For Approvals For Certificates Of Appropriateness.

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures", Article II, "Boards", Division 4, "Historic Preservation Board", Section 118-106 To Modify The Requirements For Approvals Of Certificates Of Appropriateness; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Gross; Ballot vote: 5-1; Opposed: Commissioner Garcia; Absent: Mayor Dermer. Second Reading and Public Hearing scheduled for September 6, 2006. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Tom Mooney, Assistant Planning Director, spoke.

Jorge Gomez, Planning Director, explained the ordinance.

R7 - Resolutions**7:25:12 p.m.**

- R7A A Resolution To Consider Naming Fire Station No. 4, Located At 6880 Indian Creek, In Honor Of Leonard "Lenny" Rubin, Who Died In The Line Of Duty In A Building Fire At The Old Carillon Hotel On March 8, 1962. **10:30 a.m. Public Hearing.**
(City Clerk's Office)

ACTION: Public Hearing held. **Resolution No. 2006-26267 adopted as amended.** Motion made by Commissioner Garcia to install a plaque; seconded by Commissioner Bower; Voice vote: 6-0; Absent Mayor Dermer.

Amendment:

Item modified from a renaming of the Fire Station to placing a memorial plaque. The proposal shall be forwarded to the Art in Public Places Committee pursuant to City Code Section 82-504 (8). **Floyd Jordan and Max Sklar to handle.**

End of Amendment

Commissioner Garcia stated that Mr. Rubin died in the line of duty and he responded to that call from Fire Station No. 4. He explained that he would like to dedicate a plaque to be placed at Fire Station No. 4 in his honor.

Chief Jordan stated that the Fire Department appreciates this plaque and it is an honor for a firefighter who gave the ultimate sacrifice for the City of Miami Beach and also an honor to every firefighter.

David Kelsey spoke.

Raul Aguila, First Assistant City Attorney, spoke.

Handout or Reference Materials:

1. Ad in The Miami Herald

1:32:06 p.m.**Supplemental Materials: Resolution & Additional Information**

- R7B A Resolution To Consider At A Public Hearing An After-The Fact Revocable Permit Request By Mr. Michael R. Buckner And His Wife Margo Buckner, Owners Of The Property Located At 6120 La Gorce Drive, To Retain An Iron Gate, Columns, Hedges, Canvas Canopy And Portion Of A Wood Deck Located Within The Adjacent Apache Avenue City Right-Of-Way. **11:00 a.m. Public Hearing**
(Public Works)
(Continued from June 7, 2006)

ACTION: Public Hearing open and continued to September 6, 2006 at 11:00 a.m. without objection. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald
2. Letter from Jorge Gonzalez, City Manager, to Mr. Fred Beckmann, Director, Public Works Department, dated July 10, 2006, RE: Revocable Permit Application with regard to Property located at 6120 La Gorce Drive, Miami Beach, Florida – Request to Open and Continue Matter
3. Email dated July 11, 2006 from Robert Parcher to Michael Larkin (mlarkin@brzoninglaw.com) RE: Item R7B (Revocable Permit)

2:14:55 p.m.

R7C A Resolution Approving, On Second Reading, Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And Log Cabin Enterprises, Inc., For Use Of Approximately 52,000 Square Feet Of City-Owned Property, Located On The West Side Of Collins Avenue Between 81st And 82nd Streets, Miami Beach, Florida, More Specifically Defined As Those Parcels Of Land Known As Lots 1-6 Of Block 81, Altos Del Mar No. 1, PB 31-40, For An Initial Three (3) Year Term Commencing On August 1, 2006, And Ending On July 31, 2009, With Two (2) Additional Three (3) Year Renewal Terms, At The City's Sole Discretion; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **1:45 p.m. Second Reading, Public Hearing.**

(Asset Management)

(First Reading on June 7, 2006)

ACTION: Title of Resolution read. Second reading and public hearing held. **Resolution No. 2006-26268 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Libbin; Voice vote: 6-0; Absent: Commissioner Garcia. Ana Cecilia Velasco to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald

2:16:16 p.m.

R7D A Resolution Approving, On Second Reading, Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And The Boys And Girls Club Of Miami, Inc., For Use Of The One Story Building Located Within Flamingo Park, Encompassing Approximately 4,450 Square Feet Of City-Owned Property, For An Initial Three (3) Year Term, Commencing On August 1, 2006, And Ending On July 31, 2009, With Two (2) Additional Three (3) Year Renewal Terms, At The City's Sole Discretion; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **1:50 p.m. Second Reading, Public Hearing.**

(Asset Management)

(First Reading on June 7, 2006)

ACTION: Title of Resolution read. Second reading and public hearing held. **Resolution No. 2006-26269 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Libbin; Voice vote: 6-0; Absent: Commissioner Garcia. Ana Cecilia Velasco to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald

2:17:06 p.m.

R7E A Resolution Approving, On Second Reading, Following A Duly Noticed Public Hearing, A Lease Agreement Between The City And Sunrise Community, Inc., For Use Of Approximately 2,500 Square Feet Of City-Owned Property, Located At 8128 Collins Avenue (On The West Side Of Collins Avenue Between 81st And 82nd Streets) For The Purpose Of Operating And Managing A Vocational Training Site For Developmentally Disabled Adults, Said Lease Having An Initial One (1) Year Term, Commencing Retroactively On September 1, 2005, And Ending On August 31, 2006, With Two (2) Additional One (1) Year Renewal Terms, At The City's Sole Discretion; Authorizing The Mayor And City Clerk To Execute The Lease Agreement. **1:55 p.m. Second Reading, Public Hearing.**

(Neighborhood Services)
(First Reading on June 7, 2006)

ACTION: Title of Resolution read. Second reading and public hearing held. **Resolution No. 2006-26270 adopted.** Motion made by Commissioner Bower; seconded by Vice-Mayor Libbin. Voice vote: 6-0; Absent: Commissioner Garcia. Ana Cecilia Velasco to handle.

Handout or Reference Materials:

1. Ad in The Miami Herald

4:36:12 p.m.

R7F A Resolution Calling For A Special Election To Be Held On November 7, 2006 In The City Of Miami Beach For The Purpose Of Electing One City Commissioner In Group Number V; Providing For Conduct Of Same By The Miami-Dade County Elections Division; Providing That Voting Precincts Shall Be Those As Established By Miami-Dade County; Providing For Notice Of Elections; Providing For The Form Of Ballot And Registration Of Voters In Accordance With State Law; Providing For Payment For Conducting Election To Miami-Dade County.

(City Attorney's Office)

ACTION: Resolution No. 2006-26235 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. R. Parcher to handle.

4:36:48 p.m.

R7G A Resolution Calling For A Special Election To Be Held On Tuesday, November 7, 2006, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Charter Section 1.03 Should Be Amended To Require A Public Vote Prior To The Transfer Of City Interest In Public Beach Right Of Ways.

(City Attorney's Office)

ACTION: Resolution No. 2006-26236 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. R. Parcher to handle.

Jorge Gonzalez, City Manager, clarified that it is limiting 10% on either side. There would be the opportunity for either property owner on either side to be able to acquire up to 10% if needed and a hardship demonstrated.

Vice-Mayor Libbin stated, for the record, that in the wording of the ordinance it says 10% and it is 10% on either side of the street or a maximum of 20%. He wants to make sure this is clear.

Jorge Gonzalez, City Manager, clarified that no property can get more than 10% on each side.

4:38:17 p.m.

5:00:43 p.m.

R7H A Resolution Calling For A Special Election To Be Held On Tuesday, November 7, 2006, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach A Question Asking Whether City Of Miami Beach's Related Special Acts Section 2 Regarding Board Of Adjustment Should Be Amended To Provide That Height Variances Granted By Board Be Subject To 5/7ths Vote Of City Commission. (City Attorney's Office)

ACTION: Ballot question referred to the next meeting of the Land Use and Development Committee. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. Jorge Gomez to place on the committee agenda and handle. Lilia Cardillo to place on the Commission Agenda for September 6, 2006.

Commissioner Bower presented the item. She explained that a project was approved by the Zoning Board granting 50 feet to the project and she became concerned because this sets a precedent. This Commission has worked hard to downzone so that every building in the City is compatible in height and she thought that voters should be asked about this issue. She added that if a variance of that magnitude, 10%, whatever is less, is granted, the City Commission should look at it.

Jose Smith, City Attorney, asked for the new language to be read into the record.

Jean Olin, Deputy City Attorney, read the ballot language, which is a different ballot language from what was included in the Agenda package:

Restricting Board of Adjustment's Power to Grant Certain Height Variances:

"Shall The City's Related Special Acts Section 2 Regarding Board Of Adjustment Be Amended To Provide That Board Decisions Granting Height Variances Greater Than Ten (10) Feet Or 10% Of The Property's Allowable Height, Whichever Is Less Are Not Final, And That Such Variance Requests Must Obtain 5/7ths Vote Of The City Commission Pursuant To Criteria And Procedures As Established By Ordinance."

Discussion was held.

Commissioner Steinberg suggested getting rid of the 10%.

Discussion continued.

Jorge Gonzalez, City Manager, suggested 10 feet or something slightly less than 10 feet.

Commissioner Gross recommended restricting it to habitable space that exceeds the height limit, and after discussion, he suggested changing the ordinance to say that one cannot have any height variances for purposes of additional habitable square footage.

Discussion continued.

Jorge Gomez, Planning Director, stated that records show that since the year 2000 there have been 17 height variances; there are not a multitude of projects but some are significant and there is some sentiment in the Commission that they should acquire some special review. He continued saying that the height variance is typically to the main building height and does not deal with stair towers and elevator towers; for the most part he is referring to habitable space, the main building height. He added that out of the 17 cases ranging from six (6) inches to 60 feet, nine of the cases were seven (7) feet or less dealing with the irregularities of parking issues of height, etc.

Commissioner Bower stated that her concern is that the parking is "pushing" the building up.

Discussion continued.

Mayor Dermer agrees with Commissioner Bower and added that the Board of Adjustment is ineffective when it comes to dealing with variances issues and they "give away the store." He stated that this action would add a layer of protection by bringing the issue in front of the Commission on a 5/7 vote.

Commissioner Garcia asked if the same criteria for revision could be considered on the other boards, such as the Historic Preservation Board and Planning Board.

Commissioner Bower moved the item, seconded by Commissioner Cruz. No vote taken.

Discussion continued.

Commissioner Gross explained that he does not want the Commission to turn into a super zoning board, and suggested giving the Zoning Board the power to grant variances of five (5) feet and beyond that there are no variances. He added that there is no need for the City Commission to get involved; this body makes the policy and the Zoning Board adapts it.

Discussion continued on the amendment.

Jorge Gomez, Planning Director, suggested adding to the amendment a number in percentage not to exceed a certain height in number.

Jorge Gonzalez, City Manager, suggested 10% of the allowable height up to a maximum of 10 ft.

Mayor Dermer asked for the deadline on this ballot question.

Robert Parcher, City Clerk, stated that to make amendments to the Related Special Acts, the last day to pass a resolution for the November election is September 8.

Jorge Gonzalez, City Manager suggested referring this issue to the next Land Use and Development Committee.

Handout of Reference Material:

1. Commission Memorandum from City Attorney Jose Smith to Mayor David Dermer, Members of the City Commission, City Manager Jorge M. Gonzalez, dated July 12, 2006, RE: Resolution Calling For November 7, 2006 Special election to consider ballot question
2. Draft Resolution and Proposed Ballot Question and Text

4:38:44 p.m.

R7I A Resolution Authorizing The Miami-Dade County Canvassing Board To Serve As Canvassing Board For The Special Election Of The City Of Miami Beach To Be Held On November 7, 2006 At The Time Of The Countywide General Election.

(City Attorney's Office)

ACTION: Resolution No. 2006-26238 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 7-0. R. Parcher to handle.

1:41:53 p.m.

R7J A Resolution Eliminating The Position Of The Special Counsel To The Personnel Board.

(City Attorney's Office)

ACTION: Resolution No. 2006-26271 adopted. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Libbin ; Approved by acclamation; Absent: Commissioner Garcia.

Jorge Gonzalez, City Manager, stated that all appeals will go to an arbitrator and will not be heard by the Personnel Board; therefore, there is no need for an attorney.

Amy Perry, member of the Personnel Board, asked if the City Attorney's Office could be requested to provide legal advice if needed.

Donald Papy, Chief Deputy City Attorney, stated that the answer is "yes" and explained that the reason there was a special counsel was because the City Attorney's Office prosecuted these cases before the Personnel Board and there was a conflict, since the Personnel Board does not hear those cases anymore there is no need for a special counsel.

Commissioner Bower stated that Betty Capote held the position of special counsel and she will be missed. She added that she will recognize her at the next Commission Meeting because she is an asset to this community.

1:44:14 p.m.

R7K A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Agreement Between The City And Camp Dresser & McKee, Inc. Dated December 11, 2002, For Professional Engineering Services For Citywide Sanitary Sewer Improvement Projects; Said Amendment Increasing Consultant's Maximum Allowed Compensation, From A Not To Exceed Amount Of \$1,000,000, To A Not To Exceed Amount Of \$2,000,000, For Engineering Services Related To City Sanitary Sewer And Transmission System Study, As Required By The Department Of Environmental Resources Management (DERM).

(Public Works)

ACTION: Resolution No. 2006-26272 adopted. Motion made by Vice-Mayor Libbin; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Garcia. Fred Beckmann to handle.

Jorge Gonzalez, City Manager, explained the item.

12:22:42 p.m.

R7L A Resolution Authorizing The City Manager, Or His Designee, To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; And Terminate Existing Contracts, As Needed, From The Last Commission Meeting On July 12, 2006, Until The First Regularly Scheduled Commission Meeting On September 6, 2006, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 6, 2006. **Joint City Commission and Redevelopment Agency**
(Procurement)

ACTION: Item heard in conjunction with RDA Item 2A. Resolution No. 2006-26273 adopted. Motion made by Vice-Mayor Libbin; seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commission Garcia. Gus Lopez to handle.

2:20:30 p.m.**Supplemental Materials: Resolution**

R7M A Resolution Ratifying A Contract To National Concrete Preservation, Inc., In The Total Amount Of \$1,911,095, To Provide For The Removal Of The Exterior Stucco And Replacement With Fiber Reinforced Stucco, The Removal Of All Windows And Replacement With Hurricane Resistant Impact Resistant Windows And Frames, And The Repair Or Replacement Of All Damaged Exterior Decorative Moldings, Cornices, And Balusters At The Historic City Hall Building And Further Appropriating \$1,900,000 From The Capital Reserve For Unforeseen Structural Repairs And Project Contingency And Ratifying A Contract Change Order In The Total Amount Of \$1,758,504, To National Concrete Preservation, Inc., To Provide For The Structural Repair.
(Public Works)

ACTION: Resolution No. 2006-26274 adopted. Approved without objection; Absent: Commissioner Garcia. Fred Beckmann to handle.

Handout or Reference Materials:

1. Two copies of Miami Beach Old City Hall Structural Conditions of Envelope, color photos of Figures 1 thru 12.

8:42:41 p.m.

R7N A Resolution Setting The Proposed Millage Rates For Fiscal Year (FY) 2006/07, The Calculated "Rolled-Back" Rate, And The Date, Time, And Place Of The First Public Hearing; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.
(Budget & Performance Improvement)

ACTION: Title of the Resolution read into the record. Resolution No. 2006-26239 adopted. Motion made by Commissioner Garcia; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Mayor Dermer. Lilia Cardillo to place on the September 6 Commission Agenda. Kathie Brooks to handle.

Referral:

Commissioner Gross referred the issue of additional funding for senior citizens to the Neighborhood/Community Affairs Committee without objections. **Vivian Guzman to place on the agenda. Kathie Brooks to handle.**

- 1) Proposed Millage Rates For FY 2006/07:
General Operating 7.192 Mills (7.299 last year)

Capital Renewal & Replacement	0.182 Mills (0.182 last year)
Debt Service	0.299 Mills (0.592 last year)
Total	7.673 Mills (8.073 last year)

2) "Rolled-Back" Rate (Truth in Millage) 5.872Mills

3) The First Public Hearing On The Proposed Millage Rates And The Tentative Budget For FY 2006/07 Shall Be Held On Wednesday, September 6, 2006 At 5:01 P.M., In The City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

Vice-Mayor Libbin stated that the City Commission and the Administration should be proud of this Millage and added that this is impressive.

Jorge Gonzalez, City Manager, announced that this item simply sets a tentatively millage, as the final millage will be set in September. The recommendation as the overall millage represents 0.4 reduction to the overall millage rate, representing one of the largest single year overall millage reduction that the City has had in at least 15 years, which represents about \$30 reduction in taxes, in spite of property assessment growth. He added that also included in this budget are: maintaining current service levels, continue increasing taxpayers value services; addressing priorities identified in the community by the Commission and to incorporate structural changes relative to ensuring fiscal sustainability and prudence over the long haul. In addition to the 0.4 millage reduction, the Administration is recommending and proposing continuing the Miami Beach Homeowners dividend and in fact enhancing that by \$100, for a total of \$300 to homesteaded property owners. Also, a fee relief is being offered to residents and businesses, which is the absorption taking place on water and sewer rates which the City is picking up as part of this year's budget; the sanitary fees cost of living increase is being held static until the General Fund picks it up, and at the urging of Commissioner Garcia for many years, the Life Safety Fire Inspection Fee that is collected from businesses is being proposed to be suspended and not collected this year. There is a considerable number of park programming being enhanced, and most importantly the largest segment of enhancements in this year's budget has to do with "cleaner and safer." From a safety perspective the number of police officers is being increased by 22 officers, creating a fourth shift that will enhance the police activity in the peak volume of service; the lifeguard coverage is increasing by adding three lifeguard stands and associated staffing. Funding has been added for a number of projects such as the Normandy Shore Golf Course, restroom facilities and maintenance facilities as well as the club house. A reforestation program is being developed to reforest parks and rights of ways; cultural & arts programming are being added, along with free monthly concerts and a number of activities recreational in nature. At the Building Department new technology and staff resources are being added to further enhance the capability to process permitting in a timely manner and address concerns from the business community. He added that overall the budget is increasing by \$30 million, roughly, and is an increase commensurate to year's past, about an 8.2% increase over prior years when looking at current service levels and enhancements are growing at about \$3.6 million, which is comparable to last year. This is a good budget and he commended the staff and everyone who worked on it as well as the Commission's input along the way.

Vice-Mayor Libbin recognized Deede Weithorn, Chairperson of the Budget Advisory Committee (BCA) and invited her to speak.

Deede Weithorn, Budget Advisory Committee Chairperson, spoke.

Commissioner Garcia thanked Jorge Gonzalez, City Manager, for hiring Kathie Brooks, and stated that she is one of the best additions to the City. He added that he wanted to thank the City Manager for waiving the life safety fire inspection fees which he had been fighting for years and added that the City Manager is doing a good job.

Discussion continued.

Vice-Mayor Libbin stated that at the Finance and Citywide Projects Committee meeting the members agreed to do something for the seniors. There is funding in the amount of \$25,000 allocated for one senior organization and he suggested setting aside \$300,000, which represents 1% increase of \$30 million in the budget, and come up with significant meaningful uses for those funds in September.

Commissioner Gross stated that at the conclusion at the Finance and Citywide Projects Committee meeting there was a discussion related to try to do something for the transportation of seniors to different activities.

Vice-Mayor Libbin stated that the Committee discussed the matter and he recalls that the Committee decided to make a decision sometime in the future to set aside some funds. He stated that he would like to carve out \$300,000 and come back in September with suggestions.

Commissioner Garcia stated that he is working very hard to get transportation for the seniors in Rebecca Towers to an event on July 22.

Motion made by Commissioner Garcia to adopt the Resolution; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Mayor Dermer.

Commissioner Gross referred the issue of additional funding for senior citizens to the Neighborhood/Community Affairs Committee without objections. **Vivian Guzman to place on the agenda. Kathie Brooks to handle.**

Commissioner Bower announced that the average household saves besides the \$300, \$77 due to tax rate reduction and the absorbing of the increase in water, sewer and sanitation fees, and that is an important factor that people should be made aware of.

Jorge Gonzalez, City Manager, thanked the Office of Budget and Performance Improvement staff along with Kathie Brooks, Jose Cruz and his staff for their efforts in making this a very good and sound budget and for the long hours associated with this.

Commissioner Bower explained that this is a long process and it is easy for the City Commission because the great work done by staff, and she thanked them all.

Handout or Reference Materials

1. Copy of the Proposed FY2006/07 Operating Budget and Work Plan

2:18:32 p.m.

R7O A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated Rolled-Back Rate; And, 3) The Date, Time And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2006/07; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes. (Budget & Performance Improvement)

ACTION: Title of the Resolution read into the record. Resolution No. 2006-26240 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Libbin. Approved without objection; Absent: Commissioner Garcia. Kathie Brooks to handle. Lilia Cardillo to place on the September 6 Commission Agenda.

1) Proposed Normandy Shores Local Government Neighborhood Improvement District Operating Millage Rate For FY 2006/07:
General Operating 0.338 Mills

2) "Rolled-Back" Rate (Truth in Millage) 0.319 Mills

3) The First Public Hearing On The Proposed Normandy Shores Local Government Neighborhood Improvement District Operating Millage Rate And Tentative Budget For FY 2006/07 Shall Be Held On Wednesday, September 6, 2006 At 5:02 P.M., In The City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

1:48:20 p.m.**Addendum:**

R7P A Resolution Accepting A Donation Of Surplus Funds From The Miami Beach Health Facilities Authority ("MBHFA") Account, Pursuant To A Resolution Of The MBHFA Adopted At Its May 31, 2006 Meeting, In The Amount Of \$1,001,286, For Appropriation And Disbursement By The City To Non-Profit Human Health Service Agencies, As Provided In Section 154.209(14), Florida Statutes; Provided Further That The MBHFA And The Finance And Citywide Projects Committee Recommend That Such Surplus Funds Be Appropriated And Disbursed As Follows: 1) \$249,675 To Miami Beach Community Health Center, Inc., To Fund The Purchase Of An Emergency Generator For The 71st Street Center; And 2) \$751,611 To Mount Sinai Medical Center, To Be Used Toward Such Disaster Preparedness Efforts, As Referenced In Mount Sinai's Proposal And Presentation To The MBHFA, Dated May 31, 2006; Further Waiving The MBHFA Fees Charged To Mount Sinai Medical Center For Fiscal Year (FY) 2005, In The Amount Of \$ 121,084, Provided That Said Waiver Of Fees Is Subject To And Contingent Upon Mount Sinai's Agreement To Use Said Amount Toward Disaster Preparedness Efforts, As Set Forth In Its Proposal And Presentation To The HFA, At Its Meeting On May 31, 2006.
(Finance Department)

ACTION: Resolution No. 2006-26275 adopted as amended. Motion made by Commissioner Bower as amended; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Garcia. Patricia Walker to appropriate the funds and to handle.

Amendment:

Commissioner Steinberg stated the Finance and Citywide Projects Committee recommended that the MBHFA be requested to reevaluate the \$300,000 being held in contingency which is referenced in the Commission Memorandum but it needs be added to the resolution. **Patricia Walker to handle.**

End of Amendment

Patricia Walker, Chief Financial Officer, explained the item.

Commissioner Steinberg stated that page two of the resolution needs to be corrected. **Patricia Walker to handle.**

R9 - New Business and Commission Requests

Board And Committee Appointments.

(City Clerk's Office)

ACTION:

Miami Beach Commission on Status of Women:

Jackie Hertz	Term expires 12/31/06	Appointed by Commissioner Cruz	TL12/13
Glenda Krongold	Term expires 12/31/06	Appointed by Commissioner Cruz	TL 12/13
Karen Levin	Term expires 12/31/06	Appointed by Commissioner Steinberg	TL 12/13

Normandy Shores Local Gov. Neighborhood Improvements:

Dr. Ronald Loring	Term expires 12/31/07	City Commission Appointment	TL 12/11
Erik Schlein	Term expires 12/31/07	City Commission Appointment	TL 12/11
Jorge Rodriguez	Term expires 12/31/07	City Commission Appointment	TL 12/11

Parks and Recreational Facilities Board:

Amy Rabin	Term expires 12/31/06	Appointed by Mayor Dermer	TL 12/13
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2:22:04 p.m.

R9A1 Board And Committee Appointments - City Commission Appointments.
(City Clerk's Office)

ACTION: Motion made by Commissioner Gross, to nominate Dr. Ronald Loring, Erik Schlein and Joel Rodriguez to the Normandy Shores Local Government Neighborhood Improvements Committee; seconded by Commissioner Steinberg. The motion was approved without objections.

Vice-Mayor Libbin stated that the make up and composition of this board was amended and he nominates Les Belinson, Dr. Ronald Loring, Erik Schlein and Joel Rodriguez.

Jose Smith, City Attorney, stated that the membership had to come from the Executive Committee and few members qualified; the resolution was amended by stating that any member of the homeowner association qualifies.

Commissioner Steinberg asked if Les Belinson's nomination violated the ethics ordinance.

Jose Smith, City Attorney, stated "yes," and added that if he is lobbying a board, he should not be on that board.

Motion was made by Commissioner Gross to nominate Dr. Ronald Loring, Erik Schlein and Jorge Rodriguez to the Normandy Shores Local Government Neighborhood Improvements Committee; seconded by Commissioner Steinberg. The motion was approved without objections.

Handout or Reference Material:

1. Electronic correspondence from Daniel Veitia to Sandra Meyer RE: Normandy Shores Advisory Council.

1:51:42 p.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION:

1) William (Billy) Shockett explained what the Drug Free Youth In Town organization is and stated that DFYT is involved in Miami Beach and the contributions reduce the cost of drugs and alcohol among the youth.

Commissioner Steinberg recognized the organization and mentioned that a proclamation had been awarded to them in the past two years. They provide intervention, in particular at Beach High and encourage kids to sign a pledge card to stay drug-free.

Mr. Shockett continued saying that this organization is part of a prevention program and has been implemented in private schools and in the public school system; it's a professional organization. He thanked the City Commission for their courtesy and asked for advice on how to get funding.

Mayor Dermer stated that perhaps the City Manager can explore this issue. He stated that perhaps this belongs in the Police Department with school resources. If no direct contributions are available maybe in-kind contributions could be possible.

Jorge Gonzalez, City Manager, stated that the Community Development Block Grant (CDBG) Program has been cut and every provider has also received a cut. He explained that the right time to request this is at the Community Development Block Grant (CDBG) Program process.

2. Benita Argos stated that in the area where she lives, at 13th Street and West Avenue, a sign was placed in the elevator with FPL's phone number on it for homeowners to call when they needed assistance. She added that about seven years ago, when Susan Gottlieb was Commissioner, this issue was discussed and FPL promised to resolve the problem. She stated that the power outage continue to happen several times per day and wants to know when FPL is going to do something about this. She stated that when the power goes off the elevators are off and it cost money to call service for the elevators every time the power goes off.

Commissioner Bower stated that on Española Way they have power outages several times per week lasting for about two to three hours. She called FPL and was told that this is happening because of the birds and squirrels are shorting out the lines. FPL can't seem to fix the problem and Public Works is aware of it.

3. David Colton spoke in reference to a Code Compliance Department (Request #397547) and nothing has been done. The only good thing that came out of this is that the engineer came out and took the wall which the hurricane had knocked down. Code Compliance does not seem to do much of anything. He also spoke about preparation for hurricanes. Everyone should be prepared for hurricanes. FPL was allowed to place a substation in the South Pointe area which the City allowed them to do. The only thing that has been done is remove the single family dwelling and nothing else. He also requested toilet facilities for visitors and residents.

Handout or Reference Material:

1. Special Warranty Deed Recorded June 5, 1996 No. 96R243877 prepared by Murray Dubbin, Esq.

4. Faye Goldin thanked employees of the Sanitation Department that cleaned the beach and boardwalk and parking areas. She stated that these are hard working employees doing a difficult job. She thanked Al Zamora, Kaylee Alayon, Tommy Knight, Lynn Bernstein, Saul Frances, and thanked the other members of the team; Domingo, Hector, Nicholas, Kevin and Shayon. She suggested that the "No Litter" program is energized again because a clean beach is a safe beach.

5. Jerry Gregory, Principal of Internal Intelligence Service, Inc. (security contractor) stated that the City Manager was misinformed that his company was notified that the RFP was on the June 7 agenda. His company was not notified. This has been verified by Procurement and his Security Contract Administrator. He stated that they have honored the living wage to the letter of the law. He stated that their turn over rate is 52% and not 75 %.

Jorge Gonzalez, City Manager, stated that at the last meeting he was authorized to issue an RFP and there is a Cone of Silence.

Mayor Dermer stated that at this time it is improper to engage in a dialogue because of the Cone of Silence and suggested that he speaks to the Procurement Director in reference to the noticing problem he experienced and receive the regulations for the process.

Jorge Gonzalez, City Manager, stated that the reason the RFP was issued was not only due to the living wages information, but the departments were dissatisfied with the level of service.

Commissioner Gross asked how he knows when an RFP goes out and the cone of silence begins. **Gus Lopez to handle.**

Jorge Gonzalez, City Manager, stated that there is a list every time an RFP goes out. He suggested publishing a monthly list of bids and RFP's.

8:35:31 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION:

Benita Argos brought a memo she received in answer to her issue with FPL.

Handout of Reference Material:

1. Email from BuilCivic at C-H-PO, Author: Benita Argos to Fred Beckmann dated July 29, 2002 RE: Recent Power Failure
2. Draft LTC dated April 1, 2005 from Jorge M. Gonzalez, City Manager, to Mayor David Dermer and Members of the City Commission RE: Florida Power & Light Outages.
3. Two page Miami Beach 12-MOE Indicators for March and June 2006 submitted by Public Works

11:19:01 a.m.

7:52:25 p.m.

R9C Request By The 6000 Indian Creek L.L.C., To Review A Design Review Board Decision Pertaining To DRB File No. 19072. **11:15 a.m. Public Hearing.**
(Planning Department)

ACTION: Public Hearing held. **Resolution No. 2006-26237 adopted as amended.** Motion made by Commissioner Steinberg to affirm in part and reverse in part. The decision of the Design Review Board dealing with the color is affirmed, and the time period within which the building must be repainted is reversed and the matter is remanded for the Design Review Board to provide that the time period for compliance is the completion of hurricane season plus ninety days; seconded by Commissioner Bower; Voice vote: 5-1; Opposed: Commissioner Garcia. Absent: Mayor Dermer. **Jorge Gomez to handle.**

11:19:01 a.m.

Cliff Schulman, Esq., from Greenberg Traurig, requested that this item be rescheduled for the afternoon after 4:00 p.m., since Mr. Seiger has to be in Federal Court.

Motion made by Commissioner Cruz to open and continue the item until 4:15 p.m.; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Mayor Dermer.

7:52:25 p.m.

Cliff Schulman, Esq., from Greenberg Traurig, explained the item and admitted that they did not obtain the required permit for painting.

Charles Seiger, Architect, spoke.

Cliff Schulman, Esq., from Greenberg Traurig, spoke.

Jose Smith, City Attorney, explained that it is important to understand that it is not within the Commission's purview to choose colors; the issue is whether the Design Review Board acted within its authority.

Gary Held, First Assistant City Attorney, explained that the City Commission is sitting in an appellate capacity and the role is to decide whether the Design Review Board (DRB) did not do one of the following: 1) provide procedural due process; 2) observe essential requirements of law, or 3) base its decision upon substantial, competent evidence.

Cliff Schulman, Esq., from Greenberg Traurig, stated that they challenge the decision of the DRB on the grounds that there was no substantial and competent evidence. He explained that the swing vote was based on hear-say testimony of an eleven year old girl who did not like the color and that is why the mother voted against it. The vote of the rest of the members was subjective based on taste and not on evidence. In addition the videotape of the 1998 hearing of the DRB cannot be found and; therefore, he respectfully requests the reversal of the DRB decision.

Discussion continued.

Commissioner Cruz asked for a clarification on the decisions made at the DRB meetings on this issue.

Jorge Gomez, Planning Department Director, explained that the original approval from the DRB in their final order included the text that the final exterior surface color scheme including color samples shall be subject to review and approval of staff and shall require a separate permit. The previous DRB did not approve any specific color sample at that approval. The building was painted without any input from the staff of the Planning Department and without a building permit from the City, and when they came back

for the after-the-fact approval they were told that staff could not approve the color at staff level, and that they needed to go back to the DRB. At this second meeting, the DRB decided that it was not the appropriate color for the architecture. He explained that the matter in front of the City Commission is to see if the DRB follow the right procedures or not, with the evidence heard from Mr. Schulman, as he said, that the key vote was based on the testimony of one of the member's daughter; and if that was not competent evidence, it is their fault for not presenting the competent evidence for the DRB to make the right decision.

Cliff Schulman, Esq., from Greenberg Traurig, explained that in 1998, Mr. Seiger made a presentation with a rendering of the building in a foam green color and there was no objection from the board. No videotape has been found. He agrees that the color stands out but it will mellow out with the passing of time.

Discussion continued.

Cliff Schulman, Esq., from Greenberg Traurig, explained that they asked the DRB to give them a year and if the DRB still does not like the color, if it does not fade, they would paint it, but the Board denied this request and a specific board member requested repainting the building now.

Commissioner Steinberg asked staff a) to confirm if the offer was made, and b) what would the implications of that be, since there are issues as far as the Certificate of Occupancy being held because of this and c) what would the downside be in waiting a year for a building not acceptable to DRB.

Thomas Mooney, Assistant Planning Director, explained that a final CO would not be obtained until the color issue is resolved, and in answering his question about waiting for one year, he explained that then there would be a CO "floating" out there, and the Building Official is concerned with the number of CO's that are out there for very minor issues.

Commissioner Gross stated that the painting was done without a permit and this wrongful behavior should not be rewarded.

Discussion continued.

Commissioner Steinberg stated that there is always subjectivity from any individual that sits on a board and added that the reality is that the board had the ability to look at the chart, they looked at the pictures of the building and looked at the color, and that is the evidence they based their decision on. In his opinion from a legal standpoint that is substantial and competent evidence. Personally, he thinks the building is phenomenal and they did a great job in hiding the garage.

Charles Seiger, Architect, spoke.

Motion made by Commissioner Steinberg to affirm the decision of the Design Review Board in this case; seconded by Commissioner Bower. Discussion continued.

Cliff Schulman, Esq., from Greenberg Traurig, requested that this Commission affirm the order of the Design Review Board with the condition that the repainting is done within ninety days after the hurricane season.

Commissioner Steinberg stated that he would honor his request, if reasonable, and added this to his motion, but feels the City Commission does not have the authority to do this.

Commissioner Gross stated that this Commission feels badly for the applicant but they cannot set a precedent that people can go out and paint their buildings without a permit and then come to the City

Commission and make an appeal. Also the City Commission does not have a legal basis to overturn this decision.

Gary Held, First Assistant City Attorney, stated that the City Commission can affirm the decision but remand with instructions to allow additional time to repaint.

Cliff Schulman, Esq., from Greenberg Traurig, stated that ninety days is a reasonable timeframe and they waive any right to challenge hurricane season plus ninety days before the board.

Commissioner Steinberg requested that they waive the right to appeal any other decisions including the decision of the City Commission on this item, and they agreed.

Discussion continued.

Cliff Schulman, Esq., from Greenberg Traurig, suggested the following language: Motion to affirm the decision of the Design Review Board in part dealing with the color and to remand as to the time frame for compliance to be the end of hurricane season plus ninety days.

Motion made by Commissioner Steinberg to affirm the decision of the DRB dealing with the color, and remand the time period within which the building must be repainted for the DRB to provide for compliance at the completion of hurricane season plus ninety days; seconded by Commissioner Bower; Voice vote: 5-1; Opposed: Commissioner Garcia. Absent: Mayor Dermer.

Handout or Reference Materials:

1. Ad in The Miami Herald
2. Two page facsimile from Eugene J. Howard, Esquire to City Clerk – City of Miami Beach, dated 7/12/06
RE: 6000 Indian Creek Project – Charles Seiger/Ron Blumberg
3. Transmittal Letter from Robert Parcher, City Clerk, to Mayor David Dermer and Members of the City Commission dated June 23, 2006, RE: Design Review Board Appeal – 6000 Indian Creek, L.L.C.

12:23:55 p.m.

R9D Request By The Southpointe Heights L.L.C., To Review A Design Review Board Decision Pertaining To DRB File No. 18988. **11:30 a.m. Public Hearing.**
(Planning Department)

ACTION: Public Hearing opened and continued to September 6, 2006 at 11:30 a.m., by acclamation; Absent: Commissioner Garcia. Lilia Cardillo to place on the Commission Agenda. **Jorge Gomez to handle.**

John Shubin, Esq., from the law offices of Shubin & Bass, stated that he needs to preserve an objection and object to the continuance for a very simple basis. The record is absolutely clear that the appellant never appeared before the Design Review Board and never registered an objection. They provided no evidence from the record for the basis of the appeal. He stated that he believes the appealing party has no jurisdiction and they do not have standing.

Marsha Sacasa who works for the owner of Southpoint Heights, stated that David Neville, attorney for Southpointe, is not able to appear today and that is why they are asking for a continuance. She also stated that they are working very closely with TRG to come to a settlement agreement. The appeal is based on notice; they were never notified of the application and this is why they were not at the hearing.

Mayor Dermer stated that the City Attorney will look into the matter of standing and advise the Commission. **Legal Department to handle.**

Jose Smith, City Attorney, stated that there is not a transcript, so there is nothing to review.

Gary Held, First Assistant City Attorney, requested that the parties submit written arguments within a week or two on the issue of standing if any action is going to be taken prior to a City Commission meeting.

John Shubin, Esquire, from the law offices of Shubin & Bass, stated that they would submit a written argument.

Handout or Reference Materials:

1. Ad in The Miami Herald
2. Letter received via facsimile from Nevel & Greenfield, P.A., to Honorable David Dermer, dated June 28, 2006 RE: Design Review Board File 18988-230 & 46-44 Ocean Drive, 1-35 & 69 Collins
3. MCR #283191 in the amount of \$500 from David H. Nevel and Southpointe Heights, LLC re: filing fee for DRB Appeal No. 18988-230 & 46-44 Ocean Drive.
4. Miscellaneous correspondence, including emails and notes from Robert Parcher and Thomas Mooney.
5. Letter from Nevel & Greenfield, P.A., to City Clerk's Office (hand-delivered), dated May 9, 2006, RE: DRB File 18988-230 & 46-44 Ocean Drive, 1-35 & 69 Collins Avenue with copies of DRB order dated 4/18/2006.

9:05:30 p.m.

R9E Discussion Regarding The Relationship Between The Information Technology Department, Finance Department And Cyborg System.

(Requested by Commissioner Luis R. Garcia, Jr.)

(Deferred from June 7, 2006)

ACTION: No action taken.

Commissioner Garcia informed the City Manager that he takes exception at the way the staff provided the Cyborg System information he requested. He asked for a report and he received a very large document. He is not happy with this and he is not happy with the Finance Department, and as much as he admires the Budget Director, the Finance Department is a different story. He stated that there is no quality assurance. He requested getting together with the City Manager regarding the document he received because there are things that concern him. He stated that in his opinion the Finance Department is inefficient to the point that at the last Finance and Citywide Projects Committee meeting the name of the new Building Department Director was not listed, and he has been employed for two months. He had a very negative experience when processing his retirement. He requested to meet with the City Manager to discuss a report on the Cyborg System. He has not been treated with due respect and this is the second time that the Finance Department has given him an unacceptable report on the Cyborg System as he requested.

R9F Discussion Regarding Entering Into Public/Private Partnerships To Develop The Surface Parking Lot At 1625 West Avenue Into Workforce Housing.

(Requested by Commissioner Luis R. Garcia, Jr.)

(Deferred from June 7, 2006)

ACTION: Withdrawn at the request of Commissioner Garcia.

6:35:24 p.m.

R9G Discussion Regarding Club Madonna's Request To Allow Dispensing Of Alcohol In Their Establishment.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: No action taken.

Commissioner Garcia stated that he turned in his letter of resignation effective November 7, 2006, and he does not want to leave anything pending. He would like to know the will of the City Commission on this issue.

No discussion offered.

9:07:57 p.m.

R9H Discussion Regarding A Resolution Relating To Lobbying The State Legislature To Change State Law So As To Preclude Cellular Telephone Usage By Motor Vehicle Drivers While Located In A School Zone; Providing An Effective Date.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Discussion held. **Resolution No. 2006-26241 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Mayor Dermer. R. Parcher to transmit executed copies of the resolution to the Mayor of Miami-Dade County, each member of the Miami-Dade Board of County Commissioners, as well as each municipal clerk in Miami-Dade County.

Commissioner Steinberg explained the item.

New Item:**9:09:24 p.m.**

Jorge Gonzalez, City Manager, announced a Special City Commission Meeting scheduled for July 26, 2006 at 6:00 p.m.

12:28:31 p.m.

R9I Discussion Regarding Administrative Interpretation Of "Structure" - Section 114-1 Of The Code.
(Requested by Commissioner Simon Cruz)

ACTION: See discussion in conjunction with item R5A.

R9J Discussion Regarding The After-The-Fact Approval Of Demolition Of Coral Rock Wall In The Altos Del Mar Area.
(Requested by Commissioner Simon Cruz)

ACTION: Withdrawn at the request of Commissioner Cruz.

R9K Discussion Regarding A Status Report On The Bike Taxis.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Withdrawn by Commissioner Garcia.

5:26:52 p.m.

R9L Discussion On A Possible Resolution Approving The Addition Of An Underground Parking Structure (Project) At South Pointe Park; Authorizing The Administration To Negotiate And Execute An Amendment To The Agreement With Hargreaves Associates, Inc. (Hargreaves) For Additional Professional Services Associated With The Incorporation Of Additional Parking As Part Of The South Pointe Park Improvements Project; And Appropriating Funds, In The Amount Of \$7,000,000, From The South Pointe Capital Projects Fund For Design, Design Development, Engineering, Permitting, Construction Administration Services, And Construction For The Project.
(Capital Improvement Projects)

ACTION: Discussion held. **Resolution No. 2006-26257 adopted.** The Administration was instructed to draft an ordinance authorizing a parking garage on Ocean Drive (Penrod Site). Jorge Chartrand to handle.

Jorge Gonzalez, City Manager, explained the item.

Commissioner Gross stated that he is totally against the structured parking in the park. He asked about available spaces that are under Icon, Murano, Murano Grande and asked how many of those spaces are actually used. He further asked the Administration if the City had any indication as to how much those spaces are used. The City Manager could not answer that question. Commissioner Gross continued saying that he thinks there is parking at the buildings and that it is underutilized and, lastly, he added that if the parking consultant thinks it's a bad idea, to him it's a "slam dunk."

Commissioner Cruz stated that in the future when a decision like this is being made, the City Commission should be e-mailed with the information. He started receiving phone calls and did not know what was going on. He suggested pursuing other options, whether is the Penrod Site or another site.

Jorge Gonzalez, City Manager, stated that his recommendation early on at the Finance and Citywide Projects Committee meeting was to pursue the Penrod Site and the argument was that since there is not enough parking any way, this option should be explored to make sure the City is clear before it is foregone forever. The Administration explored this option and the sentiment is clear, but it is the decision of the Commission.

Vice-Mayor Libbin agreed that underground parking is a bad idea, but the City has parking problems, and he thinks the alternative of above ground parking should be the direction to take.

Commissioner Steinberg stated that according to the City's survey (as far as South Pointe Park), the numbers show that parking is needed there. He explained that two questions were formed for the survey: 1) parking citywide, and 2) neighborhood parking. He added that 4% of residents in the South Pointe thought there was too much parking; approximately 60% indicated that there was not enough parking and the balance, approximately 39%, indicated that the parking was just enough. The Walker Study shows that the City has a growing deficit in the area. He suggested creating more parking in such a way that it is sensitive to the park and added that the complaints as far as the park and taking away green space are valid. Other alternatives were discussed: 1. border on the North; this was relatively acceptable to the residents and created 28 parking spots; 2. the area to the South takes away green space and creates 51 parking spaces, but changes the character of the park, and the residents objected to this idea and 3. Building underground parking can create parking spaces without changing the greenery or impacting the park in a negative way. He finds \$50,000 per space is expensive but in comparison to buying land and building space it is a bargain; to buy land will cost \$71,000 per space. He stated that in his opinion the best option is the underground parking because it does not hurt the park. This option will not be available after the park is built.

Jamie Maslyn from Hargreaves Associates spoke.

Motion #1:

Motion made by Commissioner Bower not to have an underground parking in South Pointe Park; seconded by Commissioner Gross. Motion unanimously approved.

Frank Del Vecchio spoke.

Bill Mayhew spoke.

Ruth Remington spoke.

Basil Vasiliou spoke.

Erika Brigham spoke.

David Haber, Esq., representing Portofino Towers and Continuum, spoke.

Tom Caffrey M.D., spoke.

Commissioner Cruz commended his colleague, Commissioner Steinberg, for stating his views in front of a hostile room, which shows his strength of character and stated that the underground parking is not safe.

Anita McDonald spoke.

Daniel Veitia spoke.

Harriet Openden spoke.

Jorge Gonzalez, City Manager, stated that since the underground parking is not an option there are only two matters pending; one is the addition of 28 spaces by removing 10 feet of green buffer along the northern edge of the parking space.

Motion #2:

Motion made by Commissioner Bower to approve the 28 spaces on the north side; seconded by Vice-Mayor Libbin.

Jorge Gonzalez, City Manager, explained that these spaces are not underground; the spaces are reconfigured from parallel parking to perpendicular parking and shaving ten feet along the northern edge of the green buffer and are not \$50,000 per space; they are \$4,000 per space.

Motion #2 amended:

Amendment made by Commissioner Gross to reject the extra parking on the South side, so it would only be the extra spaces on the North side. Amendment accepted by the maker of the motion and seconded. The motion and the amendment were approved without objection.

Jorge Gonzalez, City Manager, requested direction in reference to the Penrod Site parking garage option. He explained that if it is the intent of the City Commission to pursue this, the next step is to direct the Administration to develop an RFP to hire an architect to do designs.

Motion #3:

Motion made by Commissioner Steinberg to authorize the Administration to issue an RFP to hire an Architect to design parking on the Penrod Site. No second offered and no vote taken.

Discussion continued.

Commissioner Gross suggested the Administration to 1) explore the excess spaces in the base of the existing four buildings; 2) five stories is too high; perhaps it will be better to go under a half a level and build to three stories or even at the height of the Penrod Site, and 3) parking availability in Blocks 51 and 52 for after hours parking. He recommended exploring all the options.

Commissioner Cruz stated that the City has peak usages on weekends and suggested building the park, getting the 238 spaces, and then go forward if the need is there, but not to trample on the East side of Ocean Drive with something that is going to obscure Penrod's and feels it is not in the best interest of the area.

Commissioner Garcia suggested exploring the option of a mechanical parking which would maximize space, although is not permitted at this time in Miami Beach.

Vice-Mayor Libbin recommended not doing an RFP but instead exploring the issue of what can or cannot be done through the appropriate boards, and then make a decision. **Jorge Gomez to handle.**

Discussion continued.

Commissioner Steinberg stated that regarding the Walker Study, the peak time hour is 4:00 p.m. on Saturdays. He agrees with the neighborhood in a sense that the City doesn't want to attract more night time parking, and discouraged the Administration from looking for means to find commercial entities that are only open during the day to make their parking available at night; that is not what the neighborhood wants. He added that parking needs to be provided during the day during reasonable hours and not after night hours when commercial establishments are closed. He stated that the Administration should start the process to get the ordinance changed.

Jorge Gonzalez, City Manager, stated that an ordinance should be drafted and sent to the Planning Board. **Jorge Gomez to handle.**

City Clerk's Note: 6/25/07: Language provided by Jorge Gomez, Planning Director: Jorge Gonzalez, City Manager, stated that the feasibility of an ordinance allowing a parking structure on the East side of Ocean Drive will be studied by the Planning Department. If deemed reasonable, a draft ordinance should be prepared and sent to the Planning Board for their review. Jorge Gomez to handle.

Handout or Reference Materials:

1. List of speakers
2. Proposal for a Parking Deck in South Pointe Park submitted by Erika Brigham.
3. Memo from Frank Del Vecchio to the City Commission dated July 12, 2006 RE: Item R9L
4. South Pointe Park Parking Demand Analysis, Community Meeting, June 29, 2006, submitted by Frank Del Vecchio.
5. Handwritten letter dated July 12, 2006 to All Commissioners, from Ernst Rosenkrants, RE: underground parking.

6:37:53 p.m.

R9M Discussion Regarding A Request From AEG Live In Taking Over The Operation Of The Jackie Gleason Theatre.

(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held.

Commissioner Garcia stated that after meeting with staff from AEG he found the company to be one of the largest impresarios in the world, and the City Commission should explore the possibility of saving the Jackie Gleason Theater in the same present configuration, and suggested reviewing their offer.

Commissioner Gross agreed with Commissioner Garcia and stated that AEG is a \$2 billion a year company, they are one of the largest in managing and producing and promoting live music across the United States, both in large venues arenas and small venues. He added that they managed a theater in Time Squares, similar to the Gleason, and it has been named the most successful new theater in the United States last year. The general proposal submitted states that 1) they will not require money from the taxpayers in order to take over the management of the theater; 2) AEG has stated that they will assume the negative cash flow in the facility, which is about \$1 million per year, 3) they can bring national acts to the theatre and 4) they have agreed to give the City a share of the profit, amount of which is to be negotiated. He suggested the Administration to negotiate with AEG, and stated that he understands the reluctance that his fellow Commissioners have, but requested the Administration to take advantage of this opportunity.

Commissioner Libbin also directed the Administration to open parallel negotiations with Cirque and AEG, with the understanding that within six weeks AEG is to be at the same point in contract negotiations as they currently are with Cirque, and have an item on the City Commission Agenda in September or October.

Jorge Gonzalez, City Manager, explained that Cirque du Soleil is a sole source opportunity, as there is no other Cirque du Soleil type of activity going on; however, AEG, although a very credible company, is like other exclusive producers and venue managers.

Discussion continued.

Commissioner Bower agreed with her fellow Commissioners, and stated that her concern is that in talking to AEG's staff, they mentioned to her that the Gleason is a good theater; however, she requested including in the negotiations the any improvements needed to the theater. She stated that it is difficult for her to see over the person in front of her because of the seating.

Commissioner Garcia stated that in regards to Cirque du Soleil, there was a question raised as far as placing a referendum to the voters for that type of deal to take place, and added that as far as AEG an RFP or RFQ can be done.

Jorge Gonzalez, City Manager, regarding the referendum, explained that since it is only the theater and not the parking lot adjacent to it, (which would have triggered a referendum) it would be a long term lease, with approval of the Planning Board and the City Commission. As it relates to the RFQ versus RFP, he suggested doing an RFP, which would require putting forth a financial proposal in nature, with the guarantees, projections, rentals, etc.

Commissioner Garcia recognized Doug Tober, Senior General Manager with SMG.

Commissioner Cruz stated that AEG is a good company but is concerned that a vote was taken to go forward with negotiations with Cirque, and time and money has been spent. He feels the City has a

moral obligation to go up or down with them, but at the tail end of the negotiations, it does not show good faith in the City's part.

Discussion continued.

Mayor Dermer thanked the Administration's staff and the Legal Department for dedicating their time and stated they should be commended for their hard work. He added that AEG is worth exploring, and hopes this process does not involve lobbyists, as both companies are reputable. He stated that the consensus of the City Commission is for the Administration to explore the opportunities with AEG, and he added that he appreciates the time spent by Cirque in negotiating with the City.

Jorge Gonzalez, City Manager, recommended that the Administration solicit from Live Nation and AEG Live a full and final proposal as quickly as possible. He will review the proposals and bring a recommendation to the City Commission in September or October.

Motion made by Commissioner Gross to approve the City Manager's recommendation; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Mayor Dermer and Commissioner Cruz.

Discussion continued.

David Kelsey thanked the City Commission on behalf of AEG and stated they will cooperate in obtaining the information.

Roger Abramson, ex-Chairman of the Cultural Arts Council, spoke. He cautioned to remember the figures that Cirque du Soleil is giving the City, i.e., \$100 million a year, 750,000 people a year, and generating 856 jobs, which after discussion he found them to be bartenders, waitresses, sales associates and retail stores because of the increased tourism in the City. His only complaint is that the Jackie Gleason Theatre deserves historic preservation and with Cirque the 1,700 seat theatre will become a "concrete" circus tent type of place.

Handout or Reference Materials:

1. Letter from AEG Live, dated July 12, 2006 to Mayor and City Commission RE: Preliminary Proposal for the Management and Booking of the Jackie Gleason Theater by AEG Live, submitted by David Kelsey.
2. Article published in The Miami Herald, undated, titled "Miami Beach to decide: rockers or acrobats?" mailed anonymously to the City Clerk's Office.

10:25:42 a.m.

Addendum:

R9N Discussion Regarding Ad Hoc Condominium Reform Taskforce Progress Report And Recommendations.

(Requested by Commissioner Matti Herrera Bower)

ACTION: Discussion held in conjunction with Report "G"

City Clerk's note. Attached to this Agenda item is a report of the Ad Hoc Condominium Reform Taskforce progress Report and Recommendations

R10 - City Attorney Reports

Jose Smith, City Attorney, read the following into the record for item R10A:

Pursuant to Section 286.011(8), Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation:

Micky Biss and USA Express, Inc. v. City of Miami Beach. 11th Judicial Circuit Court. Case No. 01-11865 CA 10

Micky Biss, et al. v. Robert Parcher, etc. et.al. 11th Judicial Circuit Court. Case No. 05-05755 CA 30

Micky Biss v. David Dermer, et.al. 11th Judicial Circuit Court. Case No. 05-10178 CA 23

Micky Biss and USA Express, Inc. v. David Dermer, Saul Gross, Richard Steinberg, Jose Smith, Matti Herrera Bower and Simon Cruz. 11th Judicial Circuit Court. Case No. 06-5439 CA 22

Therefore, a private attorney-client session will be held during the lunch recess of the City Commission in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement negotiations and/or strategy related to litigation expenditures with regard to the above-referenced litigation. The Mayor will announce the commencement of the attorney-client session at that time.

2:43:23 p.m.

Mayor Dermer read the following into the record:

The Attorney/Client session shall commence and will be held between 3:00 pm and 4:00 pm in the City Manager's large conference room. The persons attending the attorney-client session(s) are as follows: Mayor David Dermer; Members of the City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia, Jr., Saul Gross, Jerry Libbin and Richard Steinberg; City Attorney Jose Smith, City Manager Jorge Gonzalez, and Deputy City Attorney Jean Olin, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, and Special Counsel Richard Ovelmen, Esq., regarding the following pending litigation:

Micky Biss and USA Express, Inc. v. City of Miami Beach, 11th Judicial Circuit Court. Case No. 01-11865 CA 10

Micky Biss, et al. v. Robert Parcher, etc. et al., 11th Judicial Circuit Court. Case No. 05-05755 CA 30

Micky Biss v. David Dermer, et al., 11th Judicial Circuit Court. Case No. 05-10178 CA 23

Micky Biss and USA Express, Inc. v. David Dermer, Saul Gross, Richard Steinberg, Jose Smith, Matti Herrera Bower and Simon Cruz, 11th Judicial Circuit Court. Case No. 06-5439 CA 22

At the conclusion of the Attorney/Client Session and when the Commission reconvened, Mayor Dermer announced the following:

- 1) The City Commission meeting is hereby re-opened.
- 2) The attorney-client session announced at the beginning of the lunch recess has terminated.
- 3) A Special City Commission meeting will be held on Wednesday, July 26, 2006 at 6:00 p.m. regarding the possible settlement of the pending litigation and claims concerning 120-130 Ocean Drive.

Handout or Reference Materials:

1. Attorney-Client Session, July 12, 2006 language to read before Mayor's Statement prior to lunch break.
2. Attorney-Client Session, July 12, 2006, language to read into record before lunch break.
3. Language read into record when Commission reconvenes after lunch break.

R10A Attorney-Client Session.

Pursuant To Section 286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation Matters:

Micky Biss And USA Express, Inc. V. City Of Miami Beach. 11th Judicial Circuit Court. Case No. 01-11865 CA 10

Micky Biss, Et Al. V. Robert Parcher, Etc. Et.Al. 11th Judicial Circuit Court. Case No. 05-05755 CA 30

Micky Biss V. David Dermer, Et.Al. 11th Judicial Circuit Court. Case No. 05-10178 CA 23

Micky Biss And USA Express, Inc. V. David Dermer, Saul Gross, Richard Steinberg, Jose Smith, Matti Herrera Bower And Simon Cruz. 11th Judicial Circuit Court. Case No. 06-5439 CA 22

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On July 12, 2006 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above Referenced Litigation Matters.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti Herrera Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jerry Libbin And Richard L. Steinberg; City Attorney Jose Smith, City Manager Jorge M. Gonzalez, Deputy City Attorney Jean Olin, First Assistant City Attorneys Debora Turner And Gary Held, And Special Counsel Richard Ovelmen, Esq.

ACTION: Executive session announced and held.

Reports and Informational Items

- A City Attorney's Status Report.
(City Attorney's Office)
ACTION: Written report submitted.
- B Parking Status Report.
(Parking Department)
ACTION: Written report submitted.
- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2.
(Capital Improvement Projects)
ACTION: Written report submitted.
- D Status Report On The Construction Of Fire Station No. 4.
(Capital Improvement Projects)
ACTION: Written report submitted.
- E Status Report On The Normandy Isle Park And Pool Project.
(Capital Improvement Projects)
ACTION: Written report submitted.
- F Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.
(Procurement)
ACTION: Written report submitted.

10:20:23 a.m.

G Report On The 2006 Florida Legislative Session.
(Economic Development)

ACTION: Written report submitted. Motion made by Commissioner Bower to accept and refer the report to the Neighborhood/Community Affairs Committee. The motion was accepted by acclamation.

Fausto Gomez, City's State Lobbyist, along with his colleague Bob Levy, announced that Gary Rutledge could not attend the meeting today, and added that they had a very successful legislative session and were able to secure over \$4 million on behalf of the City of Miami Beach. He stated that in addition to the money they were able to secure significant policy support for the City and added that they will be glad to answer any questions on the reports submitted.

Commissioner Steinberg stated that they did a great job on this session and asked if they had seen a list of suggestions from the Condominium Reform Task Force and asked them what would be the reaction in Tallahassee.

Commissioner Bower stated that an Ad Hoc Condominium Reform Taskforce Progress Report and Recommendations were placed on the Agenda for the City Commission to discuss and accept the report. She stated that this task force was created due to the need and the problems they've been having with condominiums. She would like for the report to be accepted so that the City's Lobbyists could bring this list of issues to Tallahassee to make them aware of the problems and issues being faced.

Commissioner Garcia stated that this came as a result of what State Representative Julio Robaina was doing in Tallahassee. There are several serious issues with condominium legislation and condominium problems in our City since 40% of the people live in condominiums. He is somewhat happy with what has been accomplished because there is a lot more to be done and unfortunately he will not be here to see them done. Hopefully he will be in a different position to see them done. He took this opportunity to announce his resignation from this committee and added that Commissioner Bower can continue being the Chairperson.

Commissioner Bower stated that this committee has not finished its function. There is no meeting in the month of August but there will be an agenda for the September meeting on issues that need to be discussed. She stated that she sent the report to Mr. Julio Robaina for his comments. She thanked the committee for their hard work and stated that she is very happy with the results. She recognized members of the committee in the audience, Michael Gongora, Joe Fontana, Maria Elena Negrin and Morris Sunshine.

Commissioner Steinberg clarified that he was not being negative about the report. He thinks it is very important to be involved on the issues that affect the residents. He would like to hear from the State Representatives as to what steps can be taken with this report.

Bob Levy, City's State Lobbyist, thanked everyone for their efforts. He explained that no one in the legislative process, all elected officials, will ever fault local elected officials for trying to solve issues and problems in their communities. He will be happy to take this report forward and suggested that by November a sponsor should be found. He explained that Senator Gwen Margolis wanted the State to take the same approach the City of Miami Beach took; create a committee, review the issues and bring forth a package. Her bill passed the Senate but failed in the House of Representatives. He suggested that she would be an appropriate sponsor if she is willing to take this package forward. He explained that State Representative Julio Robaina has taken a step back this year, and Juan Carlos Zapata stepped forward handling condominium issues this year.

Commissioner Cruz congratulated State Lobbyists Fausto Gomez, Bob Levy and Gary Rutledge for accomplishing the list they have been given, and in addition for always being accessible and easy to deal with. He commended them for their work.

Commissioner Gross stated that on the condominium task force recommendation he is concerned sending the list to the Legislators before the City Commission has had a chance to discuss them and recommended referring the list for discussion to the Commission Committees. The report can be accepted today but that does not mean that all the items are endorsed by the City Commission until the items can be discussed. He stated he appreciates all the money that they bring to the community. He is curious as to why the Governor had vetoed a variety of items such as beachfront and bicycle paths in other communities but not in the City of Miami Beach.

Jorge Gonzalez, City Manager, stated that he checked this issue with staff and he was told that it was the quality of the applications.

Bob Levy, City's State Legislator, stated that it is not only the quality of the presentation, but also going through the legitimate process and much to the Governor's credit he held consistently the same standard for eight years and that is that all moneys had to go through the process. The way to get to the process is through the application.

Commissioner Garcia thanked Mr. Levy for always being very professional and very capable. He stated that if he makes it to Tallahassee he will sponsor these issues because it is what the people want.

Jorge Gonzalez, City Manager, stated that his staff works closely with Mr. Levy and the team and congratulated them for the job they do. He suggested accepting the report from the Condominium Task Force and also referring it to the Neighborhood/Community Affairs Committee.

Motion made by Commissioner Bower to accept and refer the report to the Neighborhood/Community Affairs Committee. Motion accepted by acclamation. Vivian Guzman to place on the committee agenda.

10:33:32 a.m.

Announcement:

Commissioner Cruz announced that Edith Gelber, Seymour Gelber's wife, passed away and he would like to have a moment to recognize her and acknowledge what she has done for the community.

End of Regular Agenda

Miami Beach Redevelopment Agency

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
July 12, 2006**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jerry Libbin
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Tim Hemstreet
General Counsel Jose Smith
Secretary Robert E. Parcher

AGENDA

1. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency's City Center District & South Pointe (Pre-Termination Carry Forward Balances) For The Month Of May 2006.

(Finance Department)

ACTION: Written report submitted.

2. NEW BUSINESS

12:21:58 p.m.

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency, Authorizing The Executive Director, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire, And Terminate Existing Contracts As Needed From The Last Agency Meeting On July 12, 2006, Until The First Regularly Scheduled Agency Meeting On September 6, 2006, Subject To Ratification By The Agency At Its First Regularly Scheduled Meeting On September 6, 2006. **Joint City Commission and Redevelopment Agency.**

(Procurement)

ACTION: Item heard in conjunction with Item R7L. Resolution No. 530-2006 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Libbin; Voice vote: 7-0. Gus Lopez to handle.

Meeting adjourned at 9:19 p.m.

End of RDA Agenda